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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

12 Cr. 868 (NRB)

5 LENA LASHER,

6 Defendant.

7 -----x

8 New York, N.Y.

9 May 8, 2015

9:00 a.m.

10 Before:

11 HON. NAOMI REICE BUCHWALD,

12 District Judge

13  
14 APPEARANCES

15 PREET BHARARA

United States Attorney for the

16 Southern District of New York

DANIEL RICHENTHAL

17 KRISTY GREENBERG

Assistant United States Attorney

18 FREEMAN, NOOTER & GINSBERG

Attorneys for Defendant Lena Lasher

19 BY: LOUIS M. FREEMAN

20 NADJIA LIMANI

21  
22 ALSO PRESENT: Annie Chen, Paralegal

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(In open court; jury not present)

THE COURT: Counsel, if we could go on the record.

I have Ms. Greenberg's e-mail -- oh, dear, of  
12:00 a.m. today.

Which I assume that you've received, Mr. Freeman?

MR. FREEMAN: I have.

THE COURT: Just briefly for the record, it concerns a  
health issue that has arisen with a government witness,  
Dr. Julio Paredes-Mitchel, and the government's possible  
request that he be permitted to testify via video  
teleconference, if he is not authorized by or cleared by his  
doctors to travel.

MR. RICHENTHAL: That's correct, your Honor. I'm the  
one who spoke with Mr. Paredes-Mitchel's counsel last night, so  
I'm happy to give the Court more information. But I understand  
that Mr. Freeman, which we very much appreciate, has expressed  
at least a potential amenability to a video conference  
testimony, or even potentially testimonial stipulation, in  
light of Mr. Paredes-Mitchel's age and medical condition. But  
I wasn't party to that conversation, so I'll let Mr. Freeman  
convey it himself.

As I said, I could give the Court more information  
about what I was told. I was told by his counsel -- I don't  
have medical records, so I can't be that specific, but I can  
answer to that, if the Court would like.

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1 MR. FREEMAN: What Mr. Richenthal said was essentially  
2 accurate. I certainly am amenable to discussing video  
3 testimony. And given the nature of the testimony that  
4 Dr. Paredes would be giving, as well as his condition, I don't  
5 think that I would be objecting.

6 And as far as a testimonial stipulation is concerned,  
7 I did mention that and, of course, it would have to be hammered  
8 out. And we don't always agree, but there have been a lot of  
9 stipulations, and we've been able to work them out. Even the  
10 ones that didn't appear to be workable at the beginning did get  
11 worked out. So the operative word is amenable.

12 THE COURT: Well, I think that we could proceed on the  
13 sort of assumption/plan that if you don't work it out, a  
14 stipulation, that he can testify by video conference. The  
15 Court certainly has no objection.

16 MR. RICHENTHAL: Yes. So yesterday when I spoke with  
17 his counsel, his counsel certainly was open to that. It's my  
18 understanding -- I'm going to check at the end of the trial day  
19 today -- that he may be released from the hospital in the next  
20 day or so.

21 The issue is going to be one of sort of whether it's  
22 medically appropriate for him to fly several hours. Assuming  
23 he's released from the hospital in the next day or two, there's  
24 no reason to my knowledge he couldn't indeed join us by video  
25 conference at whatever time on Monday worked out. I think

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1 that's appropriate.

2 I will say we don't anticipate his testimony to be  
3 terribly long, irrespective of this medical event. This is not  
4 a witness of great length. But I think that that's the  
5 appropriate plan. I'm going to check this afternoon with his  
6 counsel. In the event there's a material change -- for  
7 example, he will literally still be in the hospital on  
8 Monday -- I'll certainly alert Mr. Freeman. And the parties  
9 will talk and we'll figure out what, if anything, can be done.

10 THE COURT: Well, I guess our transformation to a  
11 technologically advanced courtroom could not have come at a  
12 better time.

13 MR. RICHENTHAL: I agree. The only wrinkle, but it's  
14 not an insurmountable one, but just to alert the Court, is  
15 Mr. Paredes-Mitchel, his native language is Spanish. So he  
16 would be testifying through an interpreter. But we can  
17 certainly do that by video conference, just as we could do it  
18 in English. But I did want to alert the Court, it will be a  
19 witness in Spanish.

20 MR. FREEMAN: Judge, just for what it's worth -- I'll  
21 be very quick -- I've had a number of instances where we've  
22 used video conference testimony, more before the modern times.  
23 But I find there's a lot of logistics involved in setting it  
24 up.

25 THE COURT: Well, I'm sure the US Attorney's Office

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1 will be not only in touch with their own people, but the  
2 Court's staff, to -- note that that doesn't mean my staff.

3 MR. FREEMAN: I know what you meant.

4 THE COURT: -- to run through it and make sure that  
5 this is all working.

6 MR. FREEMAN: And we've had a lot of people from the  
7 DEA here, and so we could put at least one of them to work.

8 MR. RICHENTHAL: Yes.

9 MR. FREEMAN: It's my tax dollars, too, so I'm  
10 pleased.

11 MR. RICHENTHAL: We previously spoke with  
12 Mr. Paredes-Mitchel by video conference from our office. He  
13 went to the US Attorney's Office in San Juan. It worked  
14 perfectly fine. We would do something similar. We'll be in  
15 touch with Mr. Toranno from our office, who I think is the  
16 point person on this, and the district court staffer. And if  
17 we need to make it happen, we will. And we'll test it in  
18 advance, so the jury is not sitting around trying to make it  
19 work.

20 THE COURT: Which they are now, so let's get them.

21 While John is getting them, John and I were here not  
22 as late as the AUSAs, but we were here late last night working  
23 on the charge. We will have it to you certainly before the end  
24 of the day. There's just one other section that we didn't get  
25 to.

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1 MR. RICHENTHAL: I don't see an agent in the room, so  
2 I'm going to step out myself and get Mr. Burling.  
3 Ms. Greenberg is going to.

4 THE COURT: Okay. You can bring the jury.

5 (Continued on next page)

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(In open court; jury present)

THE COURT: Good morning, everyone. Thanks to everyone for being on time. Counsel and I just had something we needed to talk about, so sorry to keep you waiting for a few minutes.

But we're ready to go.

JOHN BURLING, resumed.

DIRECT EXAMINATION

BY MR. RICHENTHAL:

Q. Good morning, Mr. Burling.

A. Good morning.

Q. When we left off yesterday, you had testified about what you called the first group?

A. Yes.

Q. And then the second group. The first group was a website you'd log into?

A. That's correct.

Q. Let me just step back to that for a second.

I think that you said that you had approved 500 or more prescriptions through the website every week?

A. Probably more than that per week. But it varied, yes.

Q. And what percentage approximately did you deny of those prescriptions that is over the website?

A. I would estimate 1 to 2 percent.

Q. And I think you said this yesterday. Typically the

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Burling - direct

1 questionnaires were, quote/unquote, incomplete?

2 A. They would either have stated they had no diagnosis or they  
3 had no physician that was aware of the questionnaire.

4 Q. Now, if they were complete, meaning those questions and the  
5 others were answered, would you issue the prescription?

6 A. Yes.

7 Q. Did you have any ability whatsoever to determine if the  
8 completed answers were truthful?

9 A. No, I did not.

10 Q. Is that true for every question on the questionnaire?

11 A. I would say so. There would be no way to be sure.

12 Q. Putting aside -- I'm sorry. Go ahead.

13 A. That's okay. Go ahead.

14 Q. Now, putting aside the questions themselves, yesterday when  
15 you looked at Government Exhibit 705, there was also a customer  
16 name on it. Do you recall that?

17 A. Yes.

18 Q. Did you have any way to check whether that was, in fact,  
19 the person's true name?

20 A. No.

21 Q. There was a date of birth on it. Did you have any way to  
22 check whether that was, in fact, the person's true date of  
23 birth?

24 A. No.

25 Q. Did you have any way to check whether, in fact, the person



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1 was an adult?

2 A. No.

3 Q. There was an address on it as well. Do you recall that?

4 A. Yes.

5 Q. Did you have any way to check whether the address was the  
6 person's true address?

7 A. No.

8 Q. Did you have any way to check whether the person had  
9 previously ordered drugs at that address?

10 A. No.

11 Q. Did you have any way to check whether the person who  
12 previously ordered the drugs to a different address?

13 A. No.

14 Q. Now, you had mentioned a particular Internet site that you  
15 would use to review these questionnaires?

16 A. Mm-mm.

17 Q. Did you have any way to check whether the customers had  
18 ordered drugs from a different website?

19 A. Oh, no.

20 Q. Did you have any way to check how recently, if at all, the  
21 person had drugs?

22 A. No.

23 Q. Did you have any way to check whether or not the name was  
24 real, whether the person had previously used that name to order  
25 drugs?

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1 A. No.

2 Q. That date of birth to order drugs?

3 A. No.

4 Q. That address to order drugs?

5 A. No.

6 Q. That height to order drugs?

7 A. No.

8 Q. That weight?

9 A. No.

10 Q. Anything on the questionnaire?

11 A. No.

12 Q. Now, you mentioned, then, the second group. I think you  
13 started to say what that was, but let's just back up.

14 Tell us what the second group was, how you got  
15 involved with what you call the second group.

16 A. Okay. I got another call -- I think it was a phone call  
17 from Dr. Tumpatir Rao saying there was a second opportunity  
18 involving a different group, and was asking me if I was  
19 interested, and I said I was.

20 So he put me in contact with an individual, who was  
21 named Martin Monahan, who then put me through and showed me  
22 some sample questionnaires. And then I started working for  
23 that group at one of -- at a pharmacy.

24 Q. Just pause for one second. You used the name Martin  
25 Monahan?

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1 A. Yes.

2 Q. Do you know whether that was his real name?

3 A. No, I don't.

4 Q. Approximately when did you get involved with the second  
5 group?

6 A. Around August 23rd of 2011.

7 Q. Did you stop working with the first group or just start  
8 working with the second group as well?

9 A. I was working for both of them at the same time.

10 Q. So you continued to issue the prescriptions over the  
11 website you testified about yesterday?

12 A. Yes.

13 Q. Let's talk about the second group, what you started doing  
14 as well. How did it work with the second group? And by "it,"  
15 I mean the process of issuing prescriptions.

16 A. The process was I would receive one or two e-mail  
17 attachments per day from Martin. And in the attachment were a  
18 series of questionnaires that were similar in nature to the  
19 first group's questionnaires. And then I would review that  
20 document, and then if I -- if I approved it, I would then  
21 reattach it and send it back to Martin.

22 Q. Let me just pause for a moment. You're saying Martin.  
23 Again, do you know if that was the person's real name?

24 A. No.

25 Q. Where were you located when you received these e-mails?

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Burling - direct

1 A. In South Carolina.

2 Q. Approximately how many of the questionnaires were attached  
3 to a given e-mail typically?

4 A. Well, there were two batches. There was batch one and  
5 batch two. And the first batch was a larger batch, and I would  
6 say typically one to 200; and the second batch was smaller,  
7 maybe 50 to 100, something in that range.

8 Q. These questionnaires, they were attached to the e-mail in a  
9 file?

10 A. In a zip file.

11 Q. You say "a zip file." For anyone who may not be familiar,  
12 what's a zip file?

13 A. You take a document, and there are programs that will  
14 compress it to a smaller size to make it easier to send.

15 Q. Were these questionnaires attached one by one or as a  
16 group?

17 A. They were a group.

18 Q. Were they noted in some way as if you'd already approved  
19 them, or did you have to literally approve one by one?

20 A. Well, they were all preapproved, you might say. My  
21 signature block was completed. If I wanted to not approve one,  
22 I would make a note on the return e-mail that so-and-so was not  
23 approved.

24 Q. Did these e-mails include medical records?

25 A. No.

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1 Q. Did they include any kind of backup documentation?

2 A. No.

3 Q. Did they include identification; for example, a driver's  
4 license?

5 A. No, nothing.

6 Q. Did they include anything besides the questionnaires  
7 themselves?

8 A. No, that's all.

9 Q. Where were the customers located for the second group?

10 A. They were all over the country, I believe.

11 Q. Was that also true for the first group?

12 A. Yes.

13 Q. How long did you take to review each questionnaire in the  
14 second group; that is, these e-mail questionnaires?

15 A. About the same, maybe ten seconds or so.

16 Q. Did you have any ability to tell whether the questions in  
17 the e-mailed questionnaires were truthful?

18 A. No, I did not.

19 Q. I asked you a series of questions a moment ago about age,  
20 etc. I'm not going to go through them again, but are the  
21 answers the same for the second group?

22 A. It's the same.

23 Q. Approximately how many prescriptions per day did you issue  
24 in this second group?

25 A. I guess it could be 300, 200, and somewhere in that range,

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Burling - direct

1 depending on the day.

2 Q. How many days a week?

3 A. Five.

4 Q. And you're also doing this for the website, the first  
5 group?

6 A. Correct.

7 Q. So in an average day, how many prescriptions would you  
8 issue?

9 A. I tried to figure that out, and I would say, based on what  
10 I was getting paid, probably four or 500 a day perhaps.

11 Q. How were you paid for the second group; check, wire or some  
12 other method?

13 A. Wire.

14 Q. Into what?

15 A. Into my bank account.

16 Q. Where was that located?

17 A. In South Carolina.

18 Q. What were you paid? That is, literally, what was the sum?

19 A. The total per week?

20 Q. How was the total determined?

21 A. Well, it was determined by the number that I reviewed, 250  
22 apiece.

23 Q. You said "reviewed." Was it reviewed or approved?

24 A. I'd assumed it was reviewed. I've never, like I said  
25 before, I never checked it, that particular detail.

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Burling - direct

1 Q. Did it make a difference to you?

2 A. No.

3 Q. Why not?

4 A. There was very few that I did not approve of, so it really  
5 didn't matter.

6 Q. You say "very few." Approximately what percentage?

7 A. I don't -- well, almost on the second group, almost zero.  
8 I'd say it was probably six or eight or something total that I  
9 did not approve.

10 Q. Let me just pause. You say six or eight total, is that per  
11 day?

12 A. No, for the whole time.

13 Q. The entire time?

14 A. Yeah.

15 Q. When did you start with the second group?

16 A. August of 2011.

17 Q. How long did you continue with the second group?

18 A. Until November of 2012.

19 Q. In that entire period, you declined approximately six?

20 A. Yes.

21 Q. Did you speak with customers at all in connection with what  
22 we're calling the second group?

23 A. I did not.

24 Q. Did you communicate with them in any way? I said speak.  
25 Let's be more precise.

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Burling - direct

1 Did you e-mail with them?

2 A. No.

3 Q. Did you --

4 A. No methods.

5 Q. Did you use an interactive website of any kind?

6 A. No.

7 Q. How about Skype?

8 A. No.

9 Q. Any interaction of any kind?

10 A. None.

11 Q. Was that your choice, or did you not have such an  
12 opportunity?

13 A. It was my choice.

14 Q. Let me be more precise. Were you given any Skype link to  
15 speak with these customers?

16 A. No, but I believe there might have been a phone number on  
17 the form, so I had the potential of calling them, but I did  
18 not.

19 Q. Other than the phone number, were you given any methods of  
20 communication for the customers?

21 A. No.

22 Q. If you chose not to call them, did you know if the phone  
23 number was real?

24 A. No.

25 Q. Did you have any way to check whether that phone number had



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1 been listed by a customer ordering drugs at a different time?

2 A. No.

3 Q. Did you have any way to check whether that phone number had  
4 been listed by a different customer?

5 A. No.

6 Q. For what drugs did you issue prescriptions in this second  
7 group?

8 A. Mostly it was tramadol, Fioricet, Soma.

9 Q. What percentage would you estimate was those three drugs?

10 A. It was 99-plus percent.

11 Q. Did you have a doctor-patient relationship with the  
12 customers in the first group?

13 A. I did not.

14 Q. Did you have a doctor-patient relationship with the  
15 customers in the second group?

16 A. I did not.

17 Q. Why not?

18 A. It did not follow the procedure that I mentioned yesterday  
19 in terms of seeing a patient face to face, taking a history,  
20 exam, diagnosis, etc.

21 Q. And again, who selected the drug these customers received,  
22 you or the customer?

23 A. The customer.

24 Q. Who selected the quantity of the drug these customers would  
25 receive, you or the customer?

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1 A. I assume the customer.

2 Q. Well --

3 A. And I say "assume" because I don't know what the process  
4 was where that quantity originated, but I'm assuming the  
5 customer.

6 Q. Let me be more precise. Was the quantity already on the  
7 order?

8 A. Yes.

9 Q. When you received it?

10 A. Yes.

11 Q. You didn't discern what the quantity was?

12 A. No.

13 Q. Did you have an understanding of what the purpose of these  
14 questionnaires was?

15 A. I think it gave it a kind of a veneer of legitimacy. It  
16 was -- that's all it was.

17 Q. What do you mean, "veneer," by "veneer of legitimacy"?

18 A. It's more the kind of thing you might get when you walked  
19 into a doctor's office and they give you something there to  
20 fill out when you're in the waiting room, but it's not the same  
21 as going in and seeing the nurse at the doctor and getting an  
22 actual history, physical done.

23 Q. Now, you testified you were located in South Carolina when  
24 you were doing the first group and the second group, is that  
25 right?

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1 A. That's correct.

2 Q. Did you have an understanding of where the customers were?

3 A. The customers were all over, based on the addresses that  
4 were on the forms.

5 Q. Did you have an understanding of where the pharmacies were?

6 A. In the first group I have no idea. In the second group I  
7 do know where two of the pharmacies are.

8 Q. Where were they?

9 A. Well, one of them was Towne Pharmacy, and that was in  
10 Dunellen, New Jersey. And the other one, which was CPS, only  
11 found out about six months ago, it's in Mobile, Alabama.

12 Q. Did you have any understanding as to whether there may be  
13 additional pharmacies that were dispensing drugs pursuant to  
14 your prescriptions?

15 A. I do now. I did not then.

16 Q. At the time you didn't?

17 A. No, I did not.

18 Q. Did you have any communications with anyone in any pharmacy  
19 in connection with your work?

20 A. I had one initial communication with a pharmacist at the  
21 Towne Pharmacy in Dunellen within the first few days of  
22 starting the process.

23 Q. What did you talk about in that communication?

24 A. Basically to make sure I understood the procedure of  
25 reviewing the questionnaires and the prescriptions and sending

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1       them. But that was about it.

2       Q. Did they ask you anything else in that conversation?

3       A. Not that I recall.

4       Q. Did you say in that conversation or any other conversation  
5       with a pharmacy that you were seeing patients in person?

6       A. No.

7       Q. How about that you were seeing patients via Skype?

8       A. No.

9       Q. Video conference?

10      A. No.

11      Q. Some other interactive program?

12      A. No.

13      Q. Did you ever tell anyone in that conversation or in any  
14      other conversation that you were reviewing medical records --

15      A. No.

16      Q. -- in addition to the forms?

17      A. No.

18      Q. That you were reviewing backup documentation in addition to  
19      the forms?

20      A. No.

21      Q. That you could see an image of the patient?

22      A. No.

23      Q. Did you ever tell anyone what I just called patient was, in  
24      fact, your patient?

25      A. I don't quite understand.

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1 Q. Did you ever tell anyone --

2 MR. FREEMAN: Object.

3 Q. -- the customers, in fact, were patients?

4 A. No.

5 Q. Did you ever tell anyone that you communicated with other  
6 doctors about the customer?

7 A. No.

8 Q. Do you have any ability -- did you at the time have any  
9 ability to know whether these customers had spoken with any  
10 other doctor?

11 A. No.

12 Q. Did you have any ability to know whether these customers  
13 had asked for this drug from a doctor and been declined?

14 A. No.

15 MR. RICHENTHAL: Ms. Chen, could you put 1002B in  
16 evidence on the screen.

17 Q. Do you recognize this, Mr. Burling?

18 A. This is a typical record from the first Internet group.

19 Q. When you say the first group, again, you mean the one where  
20 you'd log into the website?

21 A. Yes.

22 Q. Roughly what information on your screen now would you see  
23 when you logged in?

24 A. Well, I would certainly see the bottom two-thirds, where  
25 the height, weight and some questions were asked. And I would

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1 see, I believe, the -- see, what I'm not clear at this point,  
2 this was -- the formatting on the online was exactly like this,  
3 but I would see that basically information.

4 Q. Let me pause for one second. You said earlier that if the  
5 questionnaire was incomplete, you might deny it?

6 A. Yes.

7 Q. Can you tell us which questions, if left blank, would cause  
8 you to deny a prescription?

9 A. Well, if there was the one there in the middle that says --  
10 oh, that's better. Tension headaches. If they had no medical  
11 condition listed, or if they -- if it says is your personal  
12 healthcare practitioner aware that you are requesting a  
13 medicine, and they put no.

14 Q. Let me --

15 A. Those two.

16 Q. Let me take those one at a time.

17 On the first one, it says please state the medical  
18 condition requiring you to use this medication. Is that the  
19 question you're talking about?

20 A. That's the one, the second one you've highlighted.

21 Q. If that was blank, you might deny the prescription?

22 A. Yes.

23 Q. If something was written there, would you issue the  
24 prescription?

25 A. Yes.

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1 Q. Did you have any way to determine whether what was written  
2 there was true?

3 A. No.

4 Q. Now, here it says tension headaches. Does it say anything  
5 beyond that?

6 A. That's all it says.

7 Q. Does this appear to be a prescription you issued?

8 A. Yes.

9 Q. Can you go up to where it says personal healthcare  
10 practitioner? That's the first question.

11 A. Yes.

12 Q. It says, is your personal healthcare practitioner aware you  
13 are requesting this medication? It says yes.

14 Now, if that was left blank, that might cause you to  
15 deny the prescription?

16 A. Yes.

17 Q. Did you have any way to tell whether yes was a truthful  
18 answer?

19 A. No.

20 Q. Were you actually given contact information for this  
21 person's alleged personal healthcare practitioner?

22 A. No.

23 Q. And again, approximately what percentage of these  
24 questionnaires did you deny in the first group?

25 A. I'd say 1 to 2 percent of this group would have that

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1 missing.

2 Q. And that would cause you to deny it?

3 A. Right.

4 Q. Let's look at the top. Do you see where it says date of  
5 birth?

6 A. Yes.

7 Q. How old did this customer say he or she was?

8 A. Sixty-four.

9 MR. RICHENTHAL: Now, Ms. Chen, can you go down a  
10 little lower, please, to where it says Dr. Burling.

11 Q. Mr. Burling, do you see the line that says, are you  
12 currently taking any prescription or nonprescription medicines?

13 A. Yes.

14 MR. RICHENTHAL: Ms. Chen, can you highlight that,  
15 about four or five questions up.

16 Q. Is that now highlighted on your screen?

17 A. It's highlighted.

18 Q. What did this customer say in response to, are you  
19 currently taking any prescription or nonprescription medicines?

20 A. None.

21 Q. In your experience was it typical for a 64-year-old not to  
22 take a single prescription or nonprescription medication?

23 A. It would be atypical.

24 Q. Go up to the top now, please.

25 What was this prescription for? What drug?



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1 A. This is for Fioricet.

2 Q. Brand or generic?

3 A. Brand.

4 MR. RICHENTHAL: Could you go to the next  
5 prescription, please, Ms. Chen.

6 Q. Does this also appear to be a prescription you issued?

7 A. Yes.

8 Q. For what drug?

9 A. Fioricet, brand.

10 MR. RICHENTHAL: Ms. Chen, could you go down to the  
11 question that asks for medical condition again.

12 Q. What did this customer write in response to, please state  
13 the medical condition?

14 A. Occasional headaches.

15 Q. In your experience, was Fioricet necessary for an  
16 occasional headache?

17 A. Not necessarily, no.

18 Q. Might aspirin do?

19 A. It might.

20 Q. Might Tylenol do?

21 A. Mm-mm.

22 Q. You have to say yes or no.

23 A. Yes. Sorry.

24 Q. Now, those two were Fioricet brand. Did you also fill  
25 prescriptions for Fioricet generic?

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1 A. I believe so.

2 MR. RICHENTHAL: Ms. Chen, can you put the last  
3 prescription in this exhibit on the screen.

4 Q. Does this, again, appear to be a prescription issued by  
5 you?

6 A. Yes.

7 Q. Now, how old did this customer say he or she was?

8 A. Fifty-four.

9 MR. RICHENTHAL: Ms. Chen, could you go down to the  
10 question, asked about prescription/nonprescription medications.

11 Q. As to the question, are you currently taking any  
12 prescription or nonprescription medications, what did this  
13 person write?

14 A. None.

15 Q. In your experience was that common for a 54-year-old?

16 THE COURT: If you keep doing this, I'm going to feel  
17 very old.

18 A. Fifty-four-year-old, that could be the case, but as you get  
19 older, of course, that's less likely.

20 Q. Let me pause for a second. Nonprescription medication,  
21 does that include anything over the counter at the pharmacy?

22 A. Yes.

23 Q. For example, aspirin?

24 A. Yes.

25 Q. Tylenol?

F58elas1

Burling - direct

1 A. Yes.

2 Q. Cold medication?

3 A. Yes.

4 Q. Now let's go to the top. Do you see where it says -- I'm  
5 looking at the right now -- take one tablet -- excuse me. Take  
6 one to two tablets every four hours as needed for headache. Do  
7 you see that?

8 A. Yes.

9 Q. And then there's a parentheses, and it says, maximum four  
10 tablet in 24 hours, closed parentheses. Do you see that?

11 A. Yes.

12 Q. Are these the instructions with respect to the pills?

13 A. Yes, it is.

14 Q. Are these the instructions about how often to take them or  
15 not to take too many, in so many words?

16 A. Yes.

17 Q. Now, after you authorized a prescription, did you ever  
18 authorize anyone to change these instructions?

19 A. I did not.

20 Q. Ever?

21 A. No.

22 MR. RICHENTHAL: Ms. Chen, can you turn to the next  
23 page. Actually, let's go back one second. I'm sorry.

24 Q. What's the alleged name of the customer here?

25 A. Deborah Brighthill.

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Burling - direct

1 MR. RICHENTHAL: Could we go to the next page now,  
2 Ms. Chen.

3 Q. Does this appear to match? And by "this" I mean --

4 A. It's the same name.

5 Q. Is this also Fioricet generic?

6 A. Trying to find it on here.

7 MR. RICHENTHAL: Ms. Chen, can you --

8 A. Yes.

9 MR. RICHENTHAL: Ms. Chen, can you put on the screen  
10 the top part of the prior page and then this page.

11 Q. How does the information about the maximum number of  
12 tablets compare on these two pages?

13 A. There's -- in one case it said four, and this one it says  
14 six.

15 Q. Now, the one on the right, those are the instructions you  
16 authorized?

17 A. Yes.

18 Q. The one on the left does not match?

19 A. It does not.

20 Q. And again, did you ever authorize anyone to alter these  
21 instructions?

22 A. No, I did not.

23 Q. Ever?

24 A. No, never.

25 Q. Was that true the entire time you issued prescriptions on

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Burling - direct

1 the Internet?

2 A. That's correct.

3 Q. Was it true the entire time you issued prescriptions over  
4 e-mail?

5 A. Yes.

6 Q. Now, before I switch gears, let me pause for a second. How  
7 many tablets did you authorize for this customer?

8 A. This one had -- I believe it was 90.

9 Q. Now, where are you looking on the right?

10 A. I'm looking at the bottom line on the right, where it says  
11 90 tabs, quantity one.

12 MR. RICHENTHAL: Ms. Chen, can you highlight that.

13 Thank you.

14 Q. On the left is there also a quantity indication?

15 A. Ninety.

16 Q. Does it match?

17 A. Quantity matches.

18 Q. Did you ever authorize anyone at the pharmacies to issue a  
19 greater quantity than that in the prescription?

20 A. I did not.

21 Q. Ever?

22 A. No.

23 Q. Did you ever authorize anyone in the pharmacies -- excuse  
24 me.

25 Did you ever authorize anyone in the websites to issue

F58elas1

Burling - direct

1 a greater quantity?

2 A. No.

3 Q. At any point ever did you ever authorize someone to issue a  
4 greater quantity than that in the prescription?

5 A. I did not.

6 Q. Was that true the entire time you did what we've been  
7 talking about?

8 A. Yes.

9 Q. I want to bring you now to Government Exhibit 2011, what's  
10 been marked for identification as 2011. I'd like you to leaf  
11 through that. Take as much time as you need. Let me know if  
12 you recognize what's in it.

13 A. These are the typical e-mail attached forms that I received  
14 from the second group. This particular one was from Palmer  
15 pharmacy.

16 Q. Do these appear to be prescriptions you issued as part of  
17 that second group?

18 A. Yes.

19 MR. RICHENTHAL: The government offers 2011, subject  
20 to connection.

21 MR. FREEMAN: No objection, subject to connection.

22 THE COURT: Received.

23 (Government's Exhibit 2011 received in evidence)

24 MR. RICHENTHAL: Ms. Chen, could we put 2011 on the  
25 screen.

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Burling - direct

1 BY MR. RICHENTHAL:

2 Q. Now, is this format a little different from the format in  
3 1002B?

4 A. Is that what you were showing me before, 1002B?

5 Q. Yes.

6 MR. RICHENTHAL: Ms. Chen, could you just quickly put  
7 up the first page of 1002B.

8 A. Yes. It's a different format.

9 Q. 1002B is an example of what you call the first group?

10 A. Yes.

11 Q. And 2011, what's on your screen now, is an example of what  
12 you call the second group?

13 A. Yes.

14 Q. Putting aside formatting, were these similar?

15 A. Very similar.

16 Q. Is this what you would see when you'd open your e-mail?

17 A. It would be.

18 Q. Now look at the lower right. Do you see where it says  
19 Palmer Pharmacy & Much More?

20 A. That was not on the forms that I saw.

21 Q. What's your understanding of what that is in the lower  
22 right?

23 A. It looks like a receipt.

24 Q. A receipt for what?

25 A. For the prescription.

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Burling - direct

1 Q. The prescription matching the questionnaire?

2 A. This one looks like it matches, 90 tramadol at the bottom  
3 on the stamp and 90 at the top.

4 Q. You said that this prescription was for tramadol?

5 A. Yes.

6 Q. Was that one of the two drugs -- excuse me, one of the  
7 three drugs that was 99 percent?

8 A. Yes.

9 Q. Now, in this second group, again, what percentage, if any,  
10 prescriptions did you deny?

11 A. I don't think it would really make sense using percentage.  
12 It was probably half a dozen.

13 Q. In your entire time?

14 A. Yes.

15 Q. For the second group did the questionnaires come with  
16 instructions, again, about how often to use the medication?

17 A. Yes.

18 Q. Can you direct us to where those were found on this form.

19 A. At the bottom, where it says instructions.

20 MR. RICHENTHAL: Ms. Chen, can you highlight that,  
21 please.

22 Q. Did you ever authorize someone to revise those  
23 instructions?

24 A. They were preprinted on the forms.

25 Q. And after you issued the form, did you ever authorize



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Burling - direct

1 anyone to give the customer different instructions?

2 A. No, I did not.

3 Q. Ever?

4 A. No.

5 Q. Now the quantity, again, if you look at the top, what's the  
6 quantity here?

7 A. Quantity was 90.

8 Q. That's 90 pills or 90 tablets?

9 A. Ninety tablets.

10 Q. Now, after you authorized a prescription, did you ever  
11 authorize anyone to dispense a greater quantity?

12 A. I did not.

13 Q. Ever?

14 A. No.

15 Q. Did there come a time when you were arrested for what you'd  
16 been doing?

17 A. Yes.

18 Q. Approximately when were you arrested?

19 A. November 29, 2012.

20 Q. By the time you were arrested, approximately how much money  
21 had you made issuing prescriptions to people you never met or  
22 spoke with?

23 A. About 300,000.

24 Q. Approximately how many prescriptions in total did you issue  
25 this way?

F58elas1

Burling - direct

1 A. I'm estimating about 125,000.

2 Q. Did there come a time when you decided to cooperate with  
3 law enforcement?

4 A. Yes.

5 Q. Why did you do so?

6 A. Well, I felt it was the right thing to do, and also to  
7 improve my chances for leniency.

8 Q. What do you mean by improve your chances for leniency?

9 A. To have a lesser sentence.

10 Q. Did you later plead guilty to criminal charges?

11 A. I did.

12 Q. What kinds of charges?

13 A. Charges that arose from issuing fraudulent prescriptions  
14 and being paid for it.

15 Q. Did you plead guilty under any kind of agreement?

16 A. Yes. I signed a cooperating agreement.

17 Q. What's your understanding of what that agreement is?

18 A. The agreement outlines the charges that I pleaded guilty  
19 for, and obligates me to give factual testimony to any  
20 prosecution of -- related to this or other cases related to  
21 this; not to provide false or misleading testimony; and not to  
22 commit any additional crimes since the original agreement.

23 Q. Did you also have to give up any money?

24 A. Yes.

25 Q. What money?

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Burling - direct

1 A. All of it.

2 Q. All of what?

3 A. All of the 300,000.

4 Q. That's the money you made from what you did?

5 A. Yes.

6 Q. Now, that's what you agreed to do?

7 A. Yes.

8 Q. What, if anything, did the government agree in return?

9 A. That at the conclusion of all of my testimonies in  
10 different places that I've given it, that they would issue a K1  
11 letter to the Court.

12 Q. Let me pause for a moment. You said a K1 letter?

13 A. I believe that's what it's called. A K5 letter maybe, K --  
14 one of those, K something.

15 Q. Regardless of the term, what's your understanding of what  
16 that letter is?

17 A. The letter outlines what I did leading up to the arrest and  
18 what I have done in cooperation since the arrest.

19 Q. Let me pause for a second. You mentioned two different  
20 things, what led up to your arrest and what you've done since?

21 A. Right.

22 Q. By "what led up," do you mean the criminal activity you  
23 talked about?

24 A. Yes.

25 Q. And what you've done since, what do you mean?

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Burling - direct

1 A. I have provided testimony in several -- in several --  
2 what's the good word? -- investigations, including this one, in  
3 cooperation with different prosecutors; one in Kentucky, one in  
4 Alabama, and of course here.

5 Q. To whom will this letter be sent?

6 A. To the judge here.

7 Q. Who will decide your sentence?

8 A. The judge.

9 Q. Does the government decide your sentence?

10 A. It does not.

11 Q. Does the agreement protect you if you lie in court?

12 A. It does not.

13 Q. What's your understanding of what will happen if you lie?

14 A. Then I would be subject to all the original penalties that  
15 I was charged with, without any consideration.

16 Q. Would you still get your letter?

17 A. No.

18 Q. Does the agreement protect you if you provide misleading  
19 testimony?

20 A. It does not.

21 Q. Would you still get your letter?

22 A. No.

23 Q. Is it your understanding this letter only says good things  
24 about you?

25 A. It is what I said before. It says the bad things that I

F58elas1

Burling - direct

1 did, and hopefully the good things that I have done in  
2 cooperation.

3 Q. Is the agreement specific to the investigation that led to  
4 this trial?

5 A. No, it's not.

6 Q. Is the agreement specific to Lena Lasher personally?

7 A. No, it's not.

8 Q. Does your sentence depend on whether she's convicted?

9 A. No.

10 Q. Does your sentence depend whether anyone is convicted?

11 A. No.

12 Q. Before you were arrested, to your knowledge had you ever  
13 met anyone named Lena Lasher?

14 A. No, I had not.

15 Q. I'd like you to look to your right. Do you recognize  
16 anyone sitting at the second table?

17 A. Your paralegal. That's all.

18 Q. I'm calling the one Ms. Chen's at the first table. Do you  
19 recognize anyone at the second table?

20 A. No, I do not.

21 Q. Do you know who else, if anyone, is testifying in this  
22 trial?

23 A. I do not.

24 Q. Do you know how many witnesses have testified so far?

25 A. No.

F58elas1

Burling - direct

1 Q. Do you know whether any witnesses at all are testifying  
2 after you?

3 A. Yes.

4 Q. How do you know that?

5 A. Well, when I was sitting outside in the lobby yesterday,  
6 there was a gentleman that was at the other end of the hall.  
7 He was called in ahead of me, and then you guys pulled a  
8 switch. So I'm assuming he's testifying next.

9 Q. Do you know who he is?

10 A. No.

11 Q. Do you know what he's going to say?

12 A. I have no idea who he is. He's just out in the lobby.

13 Q. Do you have any idea what anyone said in this trial so far?

14 A. No.

15 Q. Other than what I've shown you, Government Exhibit 705,  
16 Government Exhibit 1002B and Government Exhibit 2011, do you  
17 have any idea what evidence, if any, is being introduced in  
18 this trial?

19 A. No, I don't.

20 Q. Do you have any idea whether it supports or doesn't support  
21 what you've testified to so far?

22 A. I do not.

23 Q. Now, again, with Government Exhibit 705, 1002B and 2011,  
24 those are the different questionnaires. Do you know where that  
25 evidence is from?

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Burling - direct

1 A. I do not.

2 MR. RICHENTHAL: Could I have a moment, your Honor.

3 THE COURT: Sure. (Pause)

4 MR. RICHENTHAL: No further questions.

5 CROSS EXAMINATION

6 BY MR. FREEMAN:

7 Q. Good morning.

8 A. Good morning.

9 Q. My name is Louis Freeman. I'm an attorney and I represent  
10 the person that you've never seen, Lena Lasher, who's on the  
11 far end of the table where I sit.

12 While you were working for group one and group two,  
13 you never heard the name Lena Lasher?

14 A. I did not.

15 Q. Was it worth it?

16 MR. RICHENTHAL: Objection.

17 Q. The 300,000.

18 A. Of course not.

19 Q. But you weren't thinking that way at the time?

20 A. No.

21 Q. And you recounted for us yesterday your educational  
22 background.

23 A. Yes.

24 Q. It was quite impressive.

25 You're suspended as a physician, correct?

F58elas1

Burling - cross

1 A. Correct.

2 Q. And do you have a hope or an expectation that you might be  
3 able to get your license back?

4 A. I hope so.

5 Q. Did the government agree to assist you in that regard?

6 A. They did say they would write a letter in support to the  
7 board and -- when this is all said and done.

8 Q. You've not been sentenced yet, am I correct?

9 A. That's correct.

10 Q. And it's your hope to get a sentence that does not include  
11 jail time, correct?

12 A. Of course.

13 Q. But you're facing a substantial amount of jail time,  
14 correct?

15 A. Yes.

16 Q. And the letter that you described, 5K letter, 5K1 to be  
17 precise, is a letter that who writes? Does the government  
18 write it?

19 A. The government writes it.

20 Q. Right. And as you said, if the government writes a  
21 favorable letter -- this is according to your understanding --  
22 the chances of your sentence being lower are greater, correct?

23 A. Yes.

24 Q. And the less favorable letter, your chances of going to  
25 jail increase, correct?



F58elas1

Burling - cross

1 A. Correct.

2 Q. And this isn't just whether you lied or whether you don't  
3 lie; this is up to the government to write the letter and write  
4 it as strong as possible, correct?

5 A. My understanding is they will simply outline what I have  
6 done in support of the government in terms of my testimony.

7 Q. So to put that another way, you're helping the government?

8 A. Yes.

9 Q. Now, speaking of helping the government, I understand that  
10 you're testifying in other investigations, including Kentucky,  
11 including -- what was the other state you mentioned?

12 A. Alabama.

13 Q. Alabama. And did you have something to do with an  
14 investigation in Rhode Island?

15 A. No.

16 Q. But let's just talk about this case, this particular trial.

17 So you live in South Carolina, correct?

18 A. Yes.

19 Q. And you've had to come up to New York to prepare for your  
20 testimony here, correct?

21 A. Correct.

22 Q. How many times did you come up?

23 A. Three times.

24 Q. And did you speak to the government by Skype or video  
25 conference or anything else in addition to that?

F58elas1

Burling - cross

1 A. No, just face to face.

2 Q. And face to face three times. How many hours did you  
3 spend meeting with the government in preparation for your  
4 testimony --

5 A. I'd say --

6 Q. -- each time?

7 A. Probably the first time was the longest, maybe a couple  
8 hours, hour and a half, something like that. The second time  
9 was shorter. And the third time was just a quick review, so it  
10 was probably 45 minutes.

11 Q. Would it be fair to say, then, an hour and a half, plus an  
12 hour, plus 45?

13 A. Something like that.

14 Q. Could have been more, could have been less?

15 A. Yeah.

16 Q. So that would be about three hours, using the numbers that  
17 I put in front of you?

18 A. Yes.

19 Q. Now, you've met with other government agents and  
20 prosecutors in other cases, correct?

21 A. That's correct.

22 Q. I'm not counting that. That's, I'm sure, an extended  
23 period of time, correct?

24 A. Yes.

25 Q. You testified about instructions with respect to how many

F58elas1

Burling - cross

1 pills are taken at one time and what's the max that you could  
2 take during the day, correct? Do you remember that testimony?

3 A. Yes.

4 Q. The government asked you, did you authorize anybody to  
5 change those instructions, and you said no?

6 A. That's correct.

7 Q. Who put the instructions on the invoice in the first  
8 instance? Was that you or was it already there?

9 A. It was there on those first documents that I showed on the  
10 screen.

11 Q. Yes.

12 A. It was preprinted on there.

13 Q. All right. So it really isn't accurate to say that you  
14 didn't authorize anybody to change it; you didn't have anything  
15 to do with it in the first place, am I correct?

16 A. I don't know that I would agree with that statement. I had  
17 something to do with the fact that I checked okay, and then  
18 sent it back to them for filling the prescription. So  
19 obviously I had something to do with it.

20 Q. But you had something to do with it in the sense that you  
21 took ten seconds to review the questionnaire, which included  
22 the instructions for the pills, and you said, okay, that's all  
23 right. Let's move on, right?

24 A. Right.

25 Q. So you had a total of ten seconds' involvement, is that

F58elas1

Burling - cross

1 fair to say?

2 A. That's fair to say.

3 Q. Did you take time to even look at what the numbers were?

4 A. Yes. I did scan the forms. I was pretty good at quickly  
5 reviewing them, and the instructions were all, and quantities  
6 were all quite similar so ...

7 Q. In other words, what you seem to be saying -- correct me if  
8 I'm wrong -- is that when you looked at the form, and the  
9 prescription for that form was 90 Fioricet at 40 milligrams,  
10 let's say, that you got to know what the indications were for  
11 taking it orally; for example, one tablet every four hours, not  
12 to exceed four times in one day, correct?

13 A. Correct.

14 Q. When you saw 90 Fioricet, 40 milligrams, isn't it fair to  
15 say you assumed the instructions were going to be the same, and  
16 you just flipped and went to the next one?

17 A. The instructions were the same.

18 Q. I know, but if there was a mistake, either purposeful or  
19 not, I'm suggesting to you that you wouldn't have noticed  
20 because you would have assumed the instructions were the same?

21 MR. RICHENTHAL: Objection. That's not a question.

22 Q. Isn't that a fair statement?

23 A. No.

24 Q. Okay. You're testifying here today under oath that you  
25 believed that you would have caught, if it said take three, no

F58elas1

Burling - cross

1 more than six in one day?

2 A. I don't know that if I saw take three, no more than six in  
3 one day, I would have disapproved it. But I don't recall ever  
4 seeing that instruction, for instance. There was always the  
5 other instruction every time I looked at it. So if you're  
6 asking me whether one in 100,000 might have been a different  
7 instruction that I didn't notice, that's certainly possible.  
8 But I don't believe there was any variations.

9 Q. So let's be clear: You're saying that you -- if it was  
10 three, six in one day, or even eight in one day, you might not  
11 have disapproved it, correct?

12 A. Correct.

13 Q. But you're also saying that you think you would have caught  
14 it if it was different, am I correct?

15 A. If it was different in the sense that it was not right, I  
16 think I would have caught it.

17 Q. All right. Where did you do this work? I understand  
18 you've been open and candid about where you live, but was it in  
19 a kitchen? Was it at a desk? Where did you actually do the  
20 approving?

21 A. I did it on my computer, wherever I was.

22 Q. So you weren't reviewing sheets of paper, hard copy?

23 A. No. No. It was all on online screens.

24 Q. And so when you reviewed one and it was time to move on,  
25 you would click or do some --

F58elas1

Burling - cross

1 A. Scroll down.

2 Q. Scroll down and look at the next one.

3 And were you ever on the phone while you were doing  
4 this?

5 A. I might have been. I've gotten a phone call while I was  
6 doing it possibly.

7 Q. And if I remember your testimony correctly, you think you  
8 may have done this, did you say, 100,000 times?

9 A. I said 125,000.

10 Q. And with respect to the purpose of these forms, do you  
11 recall saying that you didn't think that they had a purpose;  
12 that it was rather a veneer?

13 A. Yes, I did say that.

14 Q. And was that a word that you used when you were talking to  
15 the government --

16 A. Yes.

17 Q. -- during the three hours of preparation?

18 A. Mm-mm.

19 Q. And you indicated that you rejected only a handful, is that  
20 correct?

21 A. That's correct.

22 Q. And you rejected the handful because certain aspect of the  
23 form was not filled in, correct?

24 A. That's correct.

25 Q. Was there ever a time when there was a medication that was

F58elas1

Burling - cross

1 listed on the form that you felt or believed did not interact  
2 well with another medication, the one you were prescribing?

3 A. No.

4 Q. That never happened?

5 A. No.

6 Q. Is that because the medication it was filled in was not  
7 contraindicated, or was that because nobody filled in the  
8 medication?

9 A. Nobody filled in medications.

10 Q. Is it your testimony that in 125,000 applications, nobody  
11 ever filled in a medication?

12 A. I don't recall seeing any.

13 Q. Did you believe when you first got involved, that the  
14 operation was legitimate?

15 A. Initially I did, based on the fact I got this e-mail from  
16 this doctor and that kind of thing.

17 Q. And did you do any due diligence to look up this doctor or  
18 speak to him or interview him? That's Dr. Rao, R-A-O, correct?

19 A. I spoke to him, yes.

20 Q. And did he give you comfort? I mean, did you think after  
21 speaking to him that your due diligence was satisfied?

22 A. He outlined what the process was, and I was comfortable  
23 doing it, so I went ahead with it. Obviously that wasn't  
24 adequate due diligence.

25 Q. When was it that your -- withdrawn.

F58elas1

Burling - cross

1           You were arrested as you testified on November 29,  
2   2012?

3   A.   Correct.

4   Q.   When was the -- remind me from yesterday -- when did you  
5   first receive an e-mail, or when did you first get involved? I  
6   know it was fairly quick.

7   A.   I got the first e-mail in July of 2011.

8   Q.   So you were involved about 14 months, give or take?

9   A.   Sixteen or fifteen, something like that.

10   Q.   You said at the beginning, after speaking to Dr. Rao, you  
11   felt and concluded for yourself that this appeared to be --  
12   what you were doing appeared to be legitimate, correct?

13   A.   Initially.

14   Q.   At some point did your suspicions rise? In other words,  
15   did you feel that this operation might not be legitimate?

16   A.   Yes.

17   Q.   And before I ask my next set of questions, you didn't stop  
18   doing it, correct?

19   A.   No, I kept going.

20   Q.   And for timeline purposes, when was that during the 16  
21   months?

22   A.   Within the first few months.

23   Q.   What was it, if you can recall -- and I can pinpoint --  
24   what was it that caused you to say to yourself, wait a minute,  
25   maybe I should do more due diligence; maybe I should quit; what



F58elas1

Burling - cross

1 was it?

2 A. Well, I think the questionnaires were too perfect. There  
3 was not enough -- as has been talked about, there was never any  
4 variation in all of them. And I didn't get a 1099, and that  
5 was a little surprising to me. Foreign bank wires. So there  
6 was a few things that made me think this might be suspicious.

7 Q. So the foreign bank wires, if I remember correctly, were  
8 for, you know, Europe or some other exotic place? One was from  
9 Israel, I think one was from?

10 A. China.

11 MR. RICHENTHAL: Objection to Mr. Freeman saying "I  
12 think."

13 MR. FREEMAN: I'll rephrase the question.

14 Q. Where were the wires from? I think you just said one was  
15 from China. I asked you if one was from Israel. I think you  
16 said yes.

17 Were there any other places that the wires were from  
18 that caused you to be suspicious?

19 A. I think they came from those two countries. I don't know  
20 if there was any from another country.

21 Q. So, again, timeline wise, you're three months in, is that  
22 fair to say?

23 A. Okay.

24 Q. So you have another 13 months to go?

25 A. Yes.

F58elas1

Burling - cross

1 Q. Did your suspicions increase any further from month 3 to  
2 month 16?

3 A. I think there was always that level of suspicion, but  
4 nothing happened to increase it.

5 Q. Now, would it be fair to say that the only thing that  
6 stopped you was your arrest?

7 A. Yes.

8 Q. Did you get involved in this what you thought to be  
9 legitimate and turned out not to be, did you get involved  
10 because of money?

11 A. Yes.

12 Q. Would it be fair to say greed?

13 A. Yes.

14 Q. And I think you already testified that it wasn't worth it?

15 A. No.

16 MR. FREEMAN: Nothing further.

17 MR. RICHENTHAL: May I have one brief moment, your  
18 Honor. (Pause)

19 REDIRECT EXAMINATION

20 BY MR. RICHENTHAL:

21 Q. In addition to the factors that you just mentioned, did you  
22 find the volume suspicious?

23 A. The volume was high at times. And again, suspicious  
24 depends on -- I don't know that I would call that suspicious.  
25 I mean, if they were advertising this or if they were somehow

F58elas1

Burling - redirect

1 soliciting customers, it simply meant that they were doing a  
2 pretty good job of that, as opposed to being suspicious.

3 Q. How about the fact that 98 to 100 percent of the drugs were  
4 three drugs?

5 A. That's suspicious.

6 Q. That was suspicious?

7 A. Yeah.

8 Q. How about the fact that it was 500-plus prescriptions a  
9 day, 98 to 100 percent of the drugs were pain medications, the  
10 forms always looked the same, no one said there were any --  
11 they were taking any prescription medications, never came with  
12 medical records? Are those combination of factors suspicious?

13 A. Yes, of course.

14 Q. Was that apparent from the face of what you were looking  
15 at?

16 A. Yes.

17 Q. Now, you mentioned a letter to the state medical board.  
18 It's your understanding that letter will only contain good  
19 things?

20 A. I have not discussed that with the government as to what is  
21 in that letter. I'm hoping it will be good things.

22 Q. Is it your understanding the government intends to hide  
23 from the state medical board what you've done?

24 A. No, I don't think they would.

25 MR. FREEMAN: Objection.

F58elas1

Burling - redirect

1 Q. Is it your understanding the government intends not to tell  
2 the state medical board the crimes you pled guilty to?

3 A. No.

4 Q. Is it your understanding the government intends not to tell  
5 the state board what you did that was criminal?

6 A. No.

7 Q. Is it your understanding the government doesn't intend to  
8 tell the state board the scope of what you did, the length, the  
9 amount of money, etc.?

10 A. No.

11 Q. Does the government control what the state board does with  
12 accurate information?

13 A. No, of course not.

14 Q. Is it your understanding the government intends to give the  
15 state board inaccurate information?

16 A. No.

17 Q. Finally, what do you hope your sentence is going to be?

18 A. No sentence.

19 Q. What do you mean by "no sentence"?

20 A. I'm hoping I don't go to jail.

21 Q. Are you willing to lie?

22 A. No.

23 Q. Why not?

24 A. That could put me in jail.

25 Q. Are you willing to provide misleading testimony?

F58elas1

Burling - redirect

1 A. No.

2 Q. Why not?

3 A. Same reason.

4 Q. Is this the only case in which you've been interviewed or  
5 provided information?

6 A. No, it's not.

7 Q. Is this the only case you think you may be asked to?

8 A. No. I may be asked on the other ones, I think, as well.

9 Q. Is that your decision or the decision of the various  
10 prosecutors?

11 A. Prosecutors.

12 Q. Now, in the few hours you met with the government, were you  
13 ever told to do anything other than tell the truth to them?

14 A. No.

15 Q. Were you ever told, tell this story, that's what will help?

16 A. No.

17 Q. Were you ever told, only say good things about yourself?

18 A. No.

19 Q. What were you told?

20 MR. FREEMAN: Objection. Asked and answered several  
21 times.

22 Q. What were you told?

23 A. Told to say the truth.

24 Q. Were you told that once or more than once?

25 A. More than once.

F58elas1

Burling - redirect

1 Q. Is that what you've done here today?

2 A. It is.

3 MR. RICHENTHAL: No further questions.

4 MR. FREEMAN: No. Thank you, Judge.

5 THE COURT: Thank you. You're excused.

6 (Witness excused)

7 MR. RICHENTHAL: May we call our next witness, please.

8 THE COURT: Please.

9 MR. RICHENTHAL: The government calls Steven Goloff.

10 STEVEN GOLOFF,

11 called as a witness by the Government,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. RICHENTHAL:

15 Q. Good morning, Mr. Goloff.

16 A. Good morning. Can you hear me okay?

17 Q. I can.

18 A. Okay. Trying to move this seat to get comfortable. Okay.

19 Q. Where are you from?

20 A. Philadelphia, PA.

21 Q. Where do you work?

22 A. Currently Caribbean Pharmacy in Philadelphia.

23 Q. What do you work as --

24 A. Pharmacist/manager.

25 Q. Wait for me to finish the question, sir.

F58elas1

Goloff - direct

1 A. I'm sorry, sir.

2 Q. Start again. What do you work as at Caribbean Pharmacy?

3 A. A pharmacist.

4 Q. Do you have a license of some kind?

5 A. Yes, I do.

6 Q. What kind of license?

7 A. Pharmacist, Pennsylvania.

8 Q. Did there come a time when you worked at a pharmacy called  
9 Hellertown Pharmacy?

10 A. Correct, sir.

11 Q. Approximately when did you start to do so?

12 A. March 2011.

13 Q. Did you interview with anyone --

14 A. Yes, I did.

15 Q. -- in order to get the job?

16 A. Say that again?

17 Q. In order to get the job.

18 A. Yes. I had an interview. Yes.

19 Q. With whom did you interview?

20 A. Mrs. Lena Lasher.

21 Q. Do you recognize that person in the courtroom?

22 A. Yes, I do.

23 Q. Could you describe what she's wearing, please.

24 A. Like a black blazer, blazer and a green top.

25 MR. RICHENTHAL: May the record reflect that

F58elas1

Goloff - direct

1 Mr. Goloff has identified Ms. Lasher.

2 THE COURT: Yes.

3 Q. Were you hired immediately after your interview permanently  
4 or were you given a trial?

5 A. It was a trial basis.

6 Q. How long was your trial?

7 A. Two weeks' probation period.

8 Q. Two weeks' probation period?

9 A. Well, to complement the training, two-week training  
10 provision.

11 Q. Who supervised you during that two weeks?

12 A. Ms. Lasher.

13 Q. Were you then hired permanently?

14 A. Yes, after two weeks. Yes.

15 Q. By Ms. Lasher?

16 A. Yes, sir.

17 Q. Did you have an immediate supervisor after you were hired?

18 A. Yes.

19 Q. Who?

20 A. Ms. Lasher.

21 Q. After you were hired, did you continue to communicate with  
22 her in any way?

23 A. Yes.

24 Q. In person?

25 A. Sometimes.



F58elas1

Goloff - direct

1 Q. By phone?

2 A. Yes.

3 Q. What subjects would you talk about in person or over the  
4 phone?

5 A. The work flow, contact with the technicians, a daily basis  
6 of the pharmacy routine.

7 Q. You just used the phrase "work flow."

8 A. Correct.

9 Q. What's work flow?

10 A. That means the speed of production of prescriptions being  
11 processed.

12 Q. Did Ms. Lasher want it slower or faster?

13 A. Faster.

14 Q. Always faster?

15 A. Yes.

16 Q. What was her most common complaint, if she had one, about  
17 the work going on in the pharmacy?

18 A. Conduct of the technicians, and make sure they work faster.

19 Q. You said "conduct." What do you mean?

20 A. Not talking to each other. Different hygiene of the  
21 technicians.

22 Q. And what areas of the business were you the sole  
23 decisionmaker?

24 A. None.

25 Q. Were you free to hire employees on your own?

F58elas1

Goloff - direct

1 A. No.

2 Q. Were you free to fire employees on your own?

3 A. No.

4 Q. Were you free to discipline employees on your own?

5 A. No.

6 Q. Were you free to set policies for employees on your own?

7 A. No, sir.

8 Q. Who set all of those policies?

9 A. Ms. Lasher.

10 Q. Now, how often, if at all, did Ms. Lasher ensure that what  
11 she wanted to happen at the pharmacy actually happened?

12 A. Repeat that again, please.

13 Q. How, if at all, did Ms. Lasher ensure that what she wanted  
14 to happen at Hellertown, in fact, happened?

15 A. Well, the order of her procedures to go back? I'm not sure  
16 of the question again.

17 Q. Let me ask a different one.

18 A. Okay.

19 Q. Were there things Ms. Lasher wanted to happen at Hellertown  
20 Pharmacy?

21 A. Yes.

22 Q. For example, you mentioned working faster?

23 A. That's correct.

24 Q. Did she do anything to get people to work faster?

25 A. Okay. She would write out memos, tell them verbally, tell

F58elas1

Goloff - direct

1 me or employees themselves in a conference call.

2 Q. Now, did she ever tell anyone in your presence what would  
3 happen if they didn't work fast enough?

4 A. They would lose their hours of working.

5 Q. Were those employees paid by the hour?

6 A. Yes, sir.

7 Q. Were you paid by the hour?

8 A. Yes, sir.

9 Q. Did Ms. Lasher ever threaten to cut your hours?

10 A. Yes, sir.

11 Q. Once or more than once?

12 A. More than once.

13 Q. Now, did Ms. Lasher ever physically work in the pharmacy,  
14 like literally at the same time as you did?

15 A. Sometimes.

16 Q. How often in an average week?

17 A. Once or twice a week.

18 Q. And you'd both be working there at the same time?

19 A. Alternate, overlapping hours.

20 Q. Now, when she wasn't there and you were there, how, if at  
21 all, was she able to supervise the technicians and you?

22 A. She would have used the security camera to look at us,  
23 observe our work.

24 Q. How do you know that?

25 A. She would -- she was -- I was told that she was looking at

F58elas1

Goloff - direct

1 us and also by another technician.

2 MR. FREEMAN: Objection to what he was told.

3 Q. Did Ms. Lasher ever call you when you were at the pharmacy  
4 and she was not?

5 A. Yes.

6 Q. Did she ever refer to what she saw on cameras?

7 A. Yes, sir.

8 Q. Were you free to turn the cameras off?

9 A. Not at all.

10 Q. Other than the bathroom were the cameras everywhere?

11 A. Yes, they were, everywhere.

12 Q. What was the main source of business at Hellertown  
13 Pharmacy?

14 A. Internet prescriptions.

15 Q. How soon after you started did you learn that?

16 A. About two days.

17 Q. How did you learn it?

18 A. Just by observation of what was going through. We didn't  
19 do too many walk-ins. Most of the orders were taken off the  
20 computers in the back room and sort of got mailed out.

21 Q. Was that business already in place when you started?

22 A. Yes, sir.

23 Q. Could you tell where the doctors were from?

24 A. Various states in the United States.

25 Q. Could you tell where the customers were from?

F58elas1

Goloff - direct

1 A. Same.

2 Q. "Same" meaning various states?

3 A. Various states.

4 Q. Did you ever speak with the doctors whose names were on the  
5 prescriptions?

6 A. Only one time.

7 Q. What happened that one time?

8 A. I was told by Lena to obtain his current up to date DEA  
9 license.

10 Q. Did she ask you to obtain anything else from him?

11 A. Not at all.

12 Q. Did she tell you to ask any other questions?

13 A. Not at all, sir.

14 Q. After learning how the business worked, did you think the  
15 prescriptions were legitimate?

16 A. No.

17 Q. Why not?

18 A. Because it's no -- to me, there was no knowledge of a  
19 doctor and patient relationship.

20 Q. What do you mean by that?

21 A. I don't know how they could communicate either -- I wasn't  
22 clear how they communicated with the patients, the doctors.

23 Q. What was the volume of prescriptions being filled by this  
24 pharmacy over the Internet?

25 A. Approximately 600 a week, give or take a few.

F58elas1

Goloff - direct

1 Q. Were you given instructions by anyone as to things to say  
2 or not say about the Internet business?

3 A. We were told that we weren't an Internet pharmacy, we were  
4 a fulfillment pharmacy. That's the term we used. And also,  
5 that the people who asked us when they walked into the store,  
6 or our regular walk-in customers, that we do not do mail order  
7 prescriptions.

8 Q. Let's pause for a second. Who told you not to use the  
9 phrase --

10 A. Ms. Lasher.

11 Q. You've got to let me finish.

12 A. I'm sorry, sir.

13 Q. Who told you not to use the phrase Internet pharmacy?

14 A. Ms. Lasher.

15 Q. Who told you not to tell walk-in customers what was going  
16 on?

17 A. Ms. Lasher.

18 Q. Now, let's talk about a piece of how the business worked  
19 for a second. How were pills counted to get into individual  
20 vials and out to customers?

21 A. We would have different volumes of different -- let's say  
22 drug -- give you an example of the pill Fioricet. It was  
23 stocked in like a 500-count bottle stock size from the  
24 manufacturer, and we would obtain the 90 count. So we'd do a  
25 little math, take out the ten or make it even, count one vial,

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Goloff - direct

1 hand-counted it, and then pour the other remaining amount to  
2 equal like 900 pills, until leveled off by eyeball count after  
3 the first one was counted back earlier.

4 Q. Who, if anyone, instructed you that that's how pills were  
5 to be counted?

6 A. One was the technician who worked there, and Lena, too. It  
7 was herself.

8 Q. Did you ever use that method yourself?

9 A. Yes, sir.

10 Q. Did you ever see other people use that method?

11 A. Yes, sir.

12 Q. Was that method used when Ms. Lasher was in the pharmacy?

13 A. Yes, sir.

14 Q. Did she ever tell anyone to stop?

15 A. No.

16 Q. Did she ever tell anyone to work faster?

17 A. Yes.

18 Q. Was that method accurate?

19 A. No.

20 Q. Did customers ever complain they weren't getting the right  
21 number of pills?

22 A. Yes, sir.

23 Q. How do you know that?

24 A. We would get calls on a daily basis that we were a couple  
25 short. Nobody complained they were over, but they were always

F58elas1

Goloff - direct

1 short.

2 Q. Did you ever talk with Ms. Lasher about those complaints?

3 A. Yes, occasionally.

4 Q. What, if anything, did she say?

5 A. Just we resend the remainder to the customer.

6 Q. What did you mean by send the remainder?

7 A. Well, the ones that say they're short. Or bring back the  
8 bottles, ship us the bottle back and we'll recount it for them.  
9 But that happened very rarely.

10 Q. Now, when you say send the remainder --

11 A. Well, if the bottle was miscounted, sometimes we wanted the  
12 bottle back so we can see if it was really true, because  
13 sometimes they could be lying, the customer.

14 Q. Did you ever get any other kinds of complaints from  
15 customers?

16 A. Yes, I did, sir.

17 Q. From customers' families?

18 A. It was a -- one minute. One minute. I want to take a sip  
19 here. Give me a minute, please.

20 Q. Take your time, Mr. Goloff.

21 A. A customer called me, complaining his spouse was abusing  
22 the drug, and how he's obtaining -- his spouse was, pertaining  
23 to see this doctor. He was very concerned, wanted to put a  
24 stop to it.

25 Q. Did you talk with Ms. Lasher about that?



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Goloff - direct

1 A. Yes, I did, sir.

2 Q. Did she seem concerned?

3 A. Not really.

4 Q. What, if anything, did she say?

5 A. That I asked her, how do these people see the doctor? She  
6 said, some customers got Skype; is computer device that you can  
7 video, on a video camera.

8 (Continued on next page)

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F58sLAS2

Goloff - direct

1 BY MR. RICHENTHAL:

2 Q. She told you customers were using Skype?

3 A. Sometimes, yes.

4 Q. Did you see anything in the pharmacy that indicated  
5 customers were using Skype?

6 A. No.

7 Q. Did you see anything on the forms you saw that indicated  
8 customers were using Skype?

9 A. Not at all.

10 Q. I think you said that at least 600 prescriptions went out a  
11 week?

12 A. Correct, sir.

13 Q. Did any of the drugs come back?

14 A. Yes, sir.

15 Q. By who?

16 A. The couriers, FedEx, post office.

17 Q. Were you given any kind of instructions on what to do with  
18 the drugs that came back?

19 A. Well, the technicians that handled it first, they would put  
20 the order numbers and the various websites they came through,  
21 write down the information and the reason why they were  
22 returned. And I would take -- they would put the bottles  
23 aside, and I would put them back in the remaining totes to be  
24 shipped out, reshipped out.

25 Q. Let me pause for a second, Mr. Goloff. You just described

F58sLAS2

Goloff - direct

1 a few steps and a process.

2 A. I'm sorry.

3 Q. That's fine, but I just want to ask you a question about  
4 that. That process you described of pills coming back to going  
5 back in the totes, who, if anyone, told you that was the  
6 process?

7 A. Lena.

8 Q. By Lena, do you mean Ms. Lasher?

9 A. Right.

10 Q. You said put back in the totes. Showing you Government  
11 Exhibit 1035-1. You mean totes like this?

12 A. Yes, sir. Correct.

13 Q. Where did they go after they were put back?

14 A. Where did the totes go back?

15 Q. Where were the pills returned at?

16 A. In that tote.

17 Q. Where did they go after that?

18 A. They were reshipped out.

19 Q. To customers?

20 A. Yes, sir.

21 Q. Were customers told they might be getting pills a different  
22 customer had gotten first?

23 A. Not at all.

24 Q. Did Ms. Lasher ever tell you to tell customers they might  
25 be getting pills --

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Goloff - direct

1 A. No.

2 Q. -- a different customer got first?

3 A. No, no.

4 Q. Did Ms. Lasher ever tell anyone else in your presence to  
5 tell customers they might be getting pills someone else had  
6 gotten first?

7 A. No.

8 Q. When pills came back and then were put into totes, was any  
9 effort made to only match pills by lot number or expiration  
10 date?

11 A. We couldn't track that down because we sent out the  
12 medicine originally, the lot numbers on the label, we couldn't  
13 match the exact lot numbers.

14 Q. Was it possible?

15 A. No, it wasn't possible.

16 Q. Now, changing subjects, did there come a time when you were  
17 told by anyone to change instructions on prescriptions?

18 A. At the time that we were -- there was hard copies that we  
19 kept, they were changing the directions of Fioricet.

20 Q. Let me pause for a second, Mr. Goloff. Who, if anyone,  
21 told you to do that?

22 A. Mrs. Lasher.

23 Q. Did you see anyone else do the same thing?

24 A. Yes.

25 Q. Who?

F58sLAS2

Goloff - direct

1 A. Numerous technicians were doing the same thing.

2 Q. We have been talking about Hellertown Pharmacy?

3 A. Both stores, sir.

4 Q. I just want to pause for a second. We were talking about  
5 Hellertown Pharmacy, correct?

6 A. Correct.

7 Q. You just said both stores?

8 A. Yeah.

9 Q. Did there come a time you started working at a second  
10 pharmacy?

11 A. Yes, sir.

12 Q. What pharmacy?

13 A. Palmer Pharmacy & Much More.

14 Q. Approximately when did you start working at Palmer  
15 Pharmacy?

16 A. The end of the summer, I believe. I don't know an exact  
17 date.

18 Q. That's after you were already working at --

19 A. Hellertown for a few months, yes.

20 Q. Had you stopped working at Hellertown?

21 A. No.

22 Q. You started working at both?

23 A. Correct.

24 Q. Who, if anyone, asked you to start working at Palmer  
25 Pharmacy?

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Goloff - direct

1 A. Mrs. Lasher.

2 Q. Did there come a time when you took on a title at Palmer  
3 Pharmacy?

4 A. Yes, sir.

5 Q. What title?

6 A. Pharmacy in charge, manager.

7 Q. How long after you started working there, approximately?

8 A. Four to six months after that. I don't know an exact time.  
9 The date is documented on the pharmacy.

10 Q. Who, if anyone, gave you that title?

11 A. Mrs.~Lasher.

12 Q. What was your understanding of why she gave you that title?

13 A. The only reason, explanation, was because we can't have  
14 two -- one individual cannot be pharmacy in charge at two  
15 stores in Pennsylvania. She was the pharmacy on paper in  
16 Hellertown, pharmacy manager, and she wanted to appoint  
17 somebody at Palmer Pharmacy, so she nominated me.

18 Q. What, if anything, did she say about why she selected you?

19 A. They didn't give me an answer. I asked why not the other  
20 pharmacist, he was there most of the time, this other  
21 gentleman. And she goes, he's not smart enough. That's what  
22 her answer was, sir.

23 Q. That was her answer to you?

24 A. Yes, sir.

25 Q. You said the title was pharmacy in charge?

F58sLAS2

Goloff - direct

1 A. According to the state board, the document would be  
2 pharmacy manager, and it has a relationship -- you look on the  
3 website, a business relationship. That is what it says on the  
4 title. It's the pharmacy manager, they call it.

5 Q. Were you, in fact, in charge?

6 A. No, sir.

7 Q. Were you, in fact, the manager?

8 A. No.

9 Q. What makes you say that?

10 A. Because I was -- I wasn't making up policies for this store  
11 or procedures or firing people, supervising them, I was just  
12 carrying out Ms. Lasher's direct procedures and orders.

13 Q. You talked a few minutes ago about speaking with Ms. Lasher  
14 while you were working at Hellertown Pharmacy. Do you recall  
15 talking about that? Did you continue to speak with her when  
16 you worked at Palmer pharmacy?

17 A. Yes, on the phone.

18 Q. Similar subjects?

19 A. Similar subjects, yes.

20 Q. Were you free to hire employees on your own for Palmer  
21 Pharmacy?

22 A. No, sir.

23 Q. Fire employees?

24 A. No, sir.

25 Q. Discipline employees?

F58sLAS2

Goloff - direct

1 A. Not at all.

2 Q. Determine policy for employees?

3 A. No.

4 Q. Change policy for employees?

5 A. No.

6 Q. Who set those policies?

7 A. Mrs.~Lasher.

8 Q. Generally, were there differences between the policies or  
9 procedures of Hellertown and Palmer?

10 A. No. They were uniform.

11 Q. With respect to sick leave?

12 A. Correct.

13 Q. Employee discipline?

14 A. Yes.

15 Q. Storage of pills?

16 A. Correct, sir.

17 Q. Labeling of pills?

18 A. Yes.

19 Q. Whether pills were counted or not counted?

20 A. Yes.

21 Q. What to do with returned pills?

22 A. Correct.

23 Q. How were pills counted or not counted at Palmer?

24 A. Similar to the same procedure at Hellertown Pharmacy.

25 Q. Was that already occurring when you started at Palmer?



F58sLAS2

Goloff - direct

1 A. Yes, sir.

2 Q. What was the main source of business at Palmer?

3 A. Same as Hellertown, Internet sales.

4 Q. Was that already occurring when you started working at  
5 Palmer?

6 A. Yes, sir.

7 Q. You said earlier that you continued to work at Hellertown  
8 after you worked at Palmer?

9 A. Correct.

10 Q. What was the rough breakdown in a given week?

11 A. All right. An example, I'll give you, an example was like  
12 Monday to Tuesday, I would be working at Palmer, alternate with  
13 another pharmacist, would split the day. And then in the  
14 remaining of the week, I would work full hours at Hellertown.

15 Q. Who, if anyone, determined where you worked, meaning which  
16 of the two stores?

17 A. Mrs.~Lasher determined all that, sir.

18 Q. Who, if anyone, determined the times you started work on a  
19 given day?

20 A. Mrs.~Lasher.

21 Q. The times you sended work an a given day?

22 A. Same, Mrs.~Lasher.

23 Q. The number of hours you worked on a given day?

24 A. Mrs.~Lasher.

25 Q. The number of hours you worked in a given week?

F58sLAS2

Goloff - direct

1 A. Mrs.~Lasher.

2 Q. How about who you worked with?

3 A. Mrs.~Lasher.

4 Q. Now, was Ms. Lasher ever present at Palmer Pharmacy when  
5 you were at Palmer Pharmacy, physically?

6 A. Very rarely.

7 Q. How, if at all, did she supervise what occurred at Palmer  
8 when she wasn't there?

9 A. She would supervise on a daily basis by phone and by the  
10 Internet -- by the security cameras.

11 Q. You say the security cameras. Are you referring to the  
12 same kind of cameras that were at Hellertown?

13 A. Correct.

14 Q. Other than the bathroom, were those looking at all the  
15 rooms?

16 A. Yes, sir.

17 Q. Did Ms. Lasher ever call you when you were working at  
18 Palmer?

19 A. Yes, sir.

20 Q. Did she ever refer to what she saw on the camera?

21 A. Yes, sir.

22 Q. Did she ever tell you to tell people to work faster?

23 A. Yes, sir.

24 Q. Now, I think you said earlier that there were not many  
25 walk-in customers at Hellertown?

F58sLAS2

Goloff - direct

1 A. That is correct.

2 Q. Is that also true at Palmer?

3 A. Correct, sir.

4 Q. Did there come a time at either pharmacy when there were  
5 multiple customers at once coming into the store?

6 A. Yes, sir.

7 Q. Approximately when did that start happening?

8 A. February 2012.

9 Q. How often did that start to happen; that is, how often did  
10 the groups come?

11 A. They come in in groups twice a week, maybe. It started  
12 with one patient, and then the whole group came in from the  
13 same area of the country.

14 Q. What drug or drugs was the most common drug these customers  
15 wanted?

16 A. The main drug was pain reliever, oxycodone, plus supplement  
17 medications for antiinflammatory, anxieties, and constipation  
18 medication.

19 Q. You just said that -- I don't want to put words in your  
20 mouth. Tell me if I'm wrong.

21 A. Sure.

22 Q. I think you just said the customers were from the same  
23 area?

24 A. Correct, sir.

25 Q. How did you know that?

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Goloff - direct

1 A. It was on the prescriptions itself. It had the addresses  
2 on there, wherever they were from.

3 Q. Where were they from?

4 A. Cincinnati, Kentucky area.

5 Q. What state were these pharmacies in again that you worked  
6 at?

7 A. My state?

8 Q. Yes, sir.

9 A. Pennsylvania.

10 Q. You said you saw the prescriptions yourselves?

11 A. Yes, sir.

12 Q. Where were the prescriptions from, generally?

13 A. Fort Lauderdale, Florida, Bauer Pain Medication Clinic.

14 Q. They were all from --

15 A. Pain medication clinic in Fort Lauderdale, Florida.

16 Q. Just to be clear, Mr. Goloff, are you saying that they were  
17 generally all from the exact same clinic?

18 A. Yes, sir.

19 Q. So the prescriptions were from the same clinic in Florida?

20 A. Correct.

21 Q. Customers were generally from where?

22 A. In the area, Cincinnati, Kentucky area.

23 Q. And you're where?

24 A. In Pennsylvania.

25 Q. Did either pharmacy receive notice that these customers

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Goloff - direct

1 were coming?

2 A. Yes. Personally, at Hellertown, we would get a fax, on the  
3 way, they're driving up, they would stop at a FedEx fax center.  
4 They would fax in the hard copies to us and we would prepare  
5 the medication in advance to get them out of the store faster.  
6 Then they would replace it with the copies that the doctor gave  
7 them and destroy the second copies.

8 Q. Did any customer ask for Ms. Lasher specifically?

9 A. Sometimes.

10 Q. Did you fill these prescriptions, Mr. Goloff?

11 A. Yes, sir.

12 Q. Did you have any concerns about doing that?

13 A. Yes, sir.

14 Q. What were your concerns?

15 A. The abuse of the drug, where they were from, the nature,  
16 and the people that would come, the characters of the patients.

17 Q. What do you mean by the characters of the patients?

18 A. They looked a little rough. Looked like they weren't a  
19 pain person and very suspicious looking.

20 Q. Did you talk with Ms. Lasher about that?

21 A. Yes, I did.

22 Q. What, if anything, did she say?

23 A. She said these people -- she gave me the reasons. They  
24 were snow birds with family members in the area, the medication  
25 and where they live is too expensive and they can't see the

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Goloff - direct

1 doctor frequently. They said they had to seek medication  
2 elsewhere in the United States.

3 Q. These were the series of reasons she gave you?

4 A. Yes, sir.

5 Q. Did you see anything to indicate any of those reasons were  
6 true?

7 A. No.

8 Q. Did she seem concerned about these groups?

9 A. Not at all.

10 Q. Did she instruct you to fill the prescriptions?

11 A. Yes, sir.

12 Q. Did you?

13 A. Yes, I did.

14 Q. How did these customers pay?

15 A. Cash only.

16 Q. Cash only?

17 A. Um-hmm. Correct, sir.

18 Q. Did you talk with Ms. Lasher about that?

19 A. No, not at all.

20 Q. How did you know what to charge them?

21 A. She had a price schedule for them.

22 Q. Price schedule for what?

23 A. For a pill of the oxycodone, and I would call her for the  
24 places for the other medications. She had standard set prices  
25 for the oxycodone. They were two different strengths. There

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Goloff - direct

1 were 15s and 30s. I don't remember the exact prices, you know.

2 Q. A group of customers came in for oxycodone and perhaps some  
3 other drugs. How much cash would they hand over, like one  
4 group? How much cash is that?

5 A. Well, let's see. About over \$1,000, at least. A group of  
6 ten, you might say. I'm not sure what the question is.

7 Q. How big was an average group, Mr. Goloff?

8 A. About ten.

9 Q. In an average group, how much cash?

10 A. It cost \$1,000, maybe more, maybe less.

11 Q. You said the principal drug was oxycodone?

12 A. That's correct, sir.

13 Q. Did there come a time when either or both pharmacies sought  
14 to increase the amount of oxycodone they had on hand?

15 A. That's correct.

16 Q. Approximately when was that?

17 A. In the end of the summer, in August sometime, July. I  
18 forget the exact date.

19 Q. Is this the same year, Mr. Goloff?

20 A. Yes, sir.

21 Q. So they start around February?

22 A. Correct.

23 Q. And several months later the pharmacies seek to increase?

24 A. Our threshold ordering the set by the DEA and the  
25 wholesaler was, there is a formula they use. If you were to

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Goloff - direct

1 increase the sales per month, you try to pertain the medication  
2 per month. They would stop you from ordering it, then you had  
3 to apply for a threshold increase.

4 Q. Did you talk about that with Ms. Lasher?

5 A. Yes, of course.

6 Q. What, if anything, did she say?

7 A. Well, she inquired to McKesson wholesaler, the procedure,  
8 how to go about to increase our threshold.

9 Q. What help, if any, did she ask you to give in that process?

10 A. Call the computer company, the software vendor on how to do  
11 a printout and send it to the wholesaler, provide the patients'  
12 name and doctors and quantities they were getting. I did it on  
13 my own. I knew how to do printouts. I didn't have to call  
14 AMS.

15 Q. You said AMS?

16 A. That what the software company, AMS, Applied Micro Systems  
17 its called.

18 Q. Did there come a time after this when Ms. Lasher asked you  
19 to get any other kind of records in connection with these  
20 customers?

21 A. Yes, sir.

22 Q. What kind of records?

23 A. Their MRIs, medical reports, particular, you know,  
24 corresponding to their pain, therapy, and what kind of pain  
25 they were in.



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Goloff - direct

1 Q. Mr. Goloff, was this before a single oxycodone prescription  
2 had been dispensed or later?

3 A. I don't understand what you're saying now.

4 Q. The customers starting coming in in February, is that  
5 right?

6 A. Right.

7 Q. How long after that did Ms. Lasher instruct you to get  
8 records to document their alleged medical conditions?

9 A. Towards the end of the year, about maybe September  
10 sometime, October. September or August, in that area.

11 Q. At any time prior to that, did she instruct you to get  
12 documentation?

13 A. No.

14 Q. To support their alleged medical conditions?

15 A. No, not at all, no.

16 Q. Now, changing subjects for a moment, did you ever fill a  
17 prescription for an individual for opium tincture?

18 A. Yes, sir.

19 Q. Do you recall the individual's name?

20 A. It was a physician named Hayt- -- I can't pronounce it.  
21 Begins with "Hayt" or something like that. I don't recall his  
22 first name. It was a doctor that she was -- she knew the  
23 doctor. He had prescribed medication for himself. It was for  
24 severe abdominal problems he had.

25 Q. Let me pause for a second.

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Goloff - direct

- 1 A. Sure.
- 2 Q. We call him Haytmanek.
- 3 A. Haytmanek.
- 4 Q. Haytmanek.
- 5 A. I don't know to pronounce his name.
- 6 Q. We will call him Dr. Haytmanek?
- 7 A. Okay.
- 8 Q. Who prescribed these prescriptions?
- 9 A. Himself, sir.
- 10 Q. How do you know that?
- 11 A. He would write it right on the spot at the store.
- 12 Q. When you said he had a stomach condition --
- 13 A. Some kind of intestinal disorder. I don't know exactly.
- 14 Q. Do you know that, Mr. Goloff, or someone told you that?
- 15 A. Somebody told me that.
- 16 Q. Who told you?
- 17 A. Ms. Lasher.
- 18 Q. Did you fill these prescriptions?
- 19 A. Yes, sir.
- 20 Q. Did you fill one or more than one?
- 21 A. More than one.
- 22 Q. Mr. Goloff, for ease of questions, I'll call him Dr. H. Is
- 23 that all right?
- 24 A. That's okay with me. Okay.
- 25 Q. Did you fill one prescription from Dr. H or more than one?

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Goloff - direct

1 A. More than one.

2 Q. Did there come a time when you became concerned about  
3 filling these prescriptions?

4 A. Yes, a little. One time, yeah.

5 Q. What caused you to become concerned?

6 A. I asked him why he is getting this medication, and she  
7 explained that he can't get to his primary doctor and he can't  
8 afford an operation for his condition and he wants to control  
9 the pain. At first -- I'm sorry.

10 Q. Go ahead. Answer one question at a time, Mr. Goloff.

11 A. I'm sorry, I'm getting a little fatigued.

12 Q. Take some water. Do you want to take some water?

13 A. Yes. I'm sorry. Okay.

14 Q. Let's sort of break this into pieces.

15 A. Sure.

16 Q. You said "she" --

17 A. Correct.

18 Q. Talking about something you were told. Who is the "she,"  
19 Mr. Goloff?

20 A. Mrs.~Lasher told me about his medical condition and why he  
21 is getting it filled, writing it for himself.

22 Q. I think you said something about her telling you he  
23 couldn't visit his own doctor?

24 A. That's correct.

25 Q. Can you explain?

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Goloff - direct

1 A. Well, he has a primary doctor, and he didn't have time to  
2 go to see his primary doctor.

3 Q. Ms. Lasher told you that?

4 A. Yes, that is what she told me, yes.

5 Q. Did she instruct you to keep filling the prescriptions?

6 A. Yes.

7 Q. Did you?

8 A. Yes.

9 Q. Did any other pharmacist?

10 A. Yes, sir.

11 Q. I would like to show you Government Exhibits 1046 and 1047.  
12 When I say 1046 and 1047, Mr. Goloff, I'm talking about what is  
13 in two different folders.

14 A. Okay.

15 Q. Let's look at them one at a time. These have been marked  
16 for identification. I don't want you to describe them. Just  
17 look at them in detail. I just want you to tell me if you  
18 recognize what each is.

19 A. All right. This is GX 1046. That's a prescription that  
20 Dr. H wrote.

21 Q. GX 1047, Mr. Goloff, the other folder?

22 A. Same thing.

23 Q. I'm going to come up to you, sir. I think there is a copy  
24 in there of each that I am going to take back.

25 A. All right.

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Goloff - direct

1 Q. I'm going to leave you the ones that are marked with the  
2 yellow sticker.

3 Do you see that, Mr. Goloff?

4 A. Yes, sir.

5 Q. You said these were prescriptions by Dr. H?

6 A. I'll verify it again.

7 Q. Take your time.

8 A. Yes, sir.

9 Q. Do you recognize each of them, Mr. Goloff?

10 A. Yes, sir.

11 MR. RICHENTHAL: Government offers 1046 and 1047.

12 MR. FREEMAN: No objection.

13 THE COURT: Received.

14 (Government's Exhibits 1046 and 1047 received in  
15 evidence)

16 MR. RICHENTHAL: Ms. Chen, can you put on the screen  
17 1046 and 1047.

18 BY MR. RICHENTHAL:

19 Q. Mr. Goloff, do you now see both of these on your screen?

20 A. Correct.

21 Q. You said prescriptions by him. Do you mean that he is the  
22 person who wrote them, meaning he's the prescriber, Mr. Goloff?

23 A. Yes.

24 Q. Who is the patient?

25 A. Him, Mr. Craig H.

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Goloff - direct

1 Q. For what drug?

2 A. Opium tincture, 10 milligrams ML, eight ounces, 240 in  
3 total.

4 Q. You said eight ounces. Was this a liquid?

5 A. Yes, it is.

6 Q. Mr. Goloff, do you see the right prescription?

7 A. Yes.

8 Q. For the record, the right is 1047?

9 A. Correct.

10 Q. Do you see some words to the right below like a slash?

11 A. Correct.

12 Q. It appears to say O.K. per M.D.?

13 A. Correct. That's the procedure that one of the pharmacists  
14 used to write on there.

15 Q. O.K. for M.D. means what, prescription has been checked?

16 A. By the medical doctor.

17 Q. Here, is the medical doctor and the patient the same  
18 person?

19 A. Yes, sir.

20 Q. Are these two prescriptions examples of the prescriptions  
21 Ms. Lasher told you to fill?

22 A. Yes.

23 Q. I would like to show you Government Exhibit 1048. Again,  
24 Mr. Goloff, I'm just going to bring you a folder. This time, I  
25 am actually going to take out a document marked for

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Goloff - direct

1 identification as 1048.

2 A. Do you want this first?

3 Q. Take your time. Look at 1048. Without describing it in  
4 detail --

5 A. Okay. I see it.

6 Q. -- do you recognize that, Mr. Goloff?

7 A. Yes, I do.

8 Q. What is that, Mr. Goloff?

9 A. That is a stimulant for people who have night shift  
10 disorder. What do you call it. It's a stimulant.

11 Q. What is the piece of paper, Mr. Goloff?

12 A. It's a prescription.

13 Q. Do you recognize the prescription?

14 A. Yes, I do.

15 Q. From your work at one of the pharmacies?

16 A. Yes.

17 Q. Which pharmacy?

18 A. Hellertown.

19 MR. RICHENTHAL: The government offers 1048.

20 MR. FREEMAN: No objection.

21 THE COURT: Received.

22 (Government's Exhibit 1048 received in evidence)

23 MR. RICHENTHAL: Put that on the screen.

24 BY MR. RICHENTHAL:

25 Q. Mr. Goloff, who is the prescriber here?

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Goloff - direct

1 A. Dr. Haytmanek.

2 Q. Dr. H?

3 A. Dr. H, whatever you want to call him.

4 Q. Who is the patient?

5 A. Same.

6 Q. What's the name of the drug?

7 A. Provigil, 200 milligrams.

8 Q. Now, Mr. Goloff, the opium tincture --

9 A. Correct.

10 Q. -- and the Provigil, was there a process in Hellertown  
11 Pharmacy, after prescriptions were filled, as to where they  
12 should be put physically?

13 A. Well, on the one list of the prescriptions were put in a  
14 little side on Lena's desk that she would, you know, check,  
15 recheck my work.

16 Q. Let me just be precise, Mr. Goloff. You would fill a  
17 prescription and you give the customer the drugs, here a liquid  
18 for opium, and you take the prescription and put it on  
19 Ms. Lasher's desk?

20 A. Correct.

21 Q. In a pile?

22 A. Sometimes in a pile, but it depends on how many CTs we do  
23 or narcotics we do.

24 THE COURT: What are CTs?

25 THE WITNESS: Controlled substance, number two



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Goloff - direct

1 classification.

2 BY MR. RICHENTHAL:

3 Q. Does that include opium tincture?

4 A. Yes, that is C2.

5 Q. Was that the process the entire time at Hellertown, most  
6 prescriptions go on the desk?

7 A. Yes, most of the time.

8 Q. Most the time, sir, or all of the time?

9 A. All the time, yeah.

10 Q. Is that true regardless of whether the prescription was  
11 physically filled by her or physically filled by someone else?

12 A. I only filled -- the ones I did, I had to put it on her  
13 desk. I don't know about the ones she did or other  
14 pharmacists. I did the same thing, too. We had -- actually,  
15 we had a little bin.

16 Q. I asked a question in a bad way.

17 A. I'm sorry.

18 Q. If someone else filled the prescription --

19 A. Correct.

20 Q. -- for example, you, were the prescriptions then put on her  
21 desk?

22 A. Yes.

23 Q. Is that true for what you call C2s?

24 A. C2s, mostly, yes.

25 Q. Like opium tincture?

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Goloff - direct

1 A. Correct, sir.

2 Q. Is that true for oxycodone?

3 A. Yes. That is the same class, classification.

4 MR. RICHENTHAL: You can take that off the screen,  
5 Ms. Chen.

6 BY MR. RICHENTHAL:

7 Q. Did there come a time when one of the other pharmacies was  
8 inspected by the commonwealth of Pennsylvania?

9 A. Yes.

10 Q. Which pharmacy?

11 A. Hellertown.

12 Q. Were you there --

13 A. Yes, sir.

14 Q. -- when the inspectors arrived?

15 A. Yes, sir.

16 Q. Did you speak with anyone about the inspection as it was  
17 happening?

18 A. Yes, sir.

19 Q. Who?

20 A. Lena Lasher.

21 Q. Once or more than once?

22 A. More than once on the telephone.

23 Q. I'm sorry, sir. Did you say the telephone?

24 A. Yes.

25 Q. Did she give you any instructions about who should speak or

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Goloff - direct

1 not speak with the inspectors?

2 A. Don't have the technicians talk to the inspector and make  
3 sure they do their work and not interfere with the inspection.

4 Q. Don't have the technicians talk to the inspector?

5 A. Correct.

6 Q. Make sure the technicians keep doing their work?

7 A. Correct.

8 Q. And the inspection doesn't interfere with their work?

9 A. Right.

10 Q. Did you pass on that instruction?

11 A. Yes, sir.

12 Q. To the technicians?

13 A. Yes, sir.

14 Q. From what you could tell, did they listen?

15 A. Sometimes. Not really.

16 Q. Well, let me be more precise.

17 A. They would say --

18 Q. Mr. Goloff, just wait.

19 A. I'm sorry.

20 Q. Let me be very precise.

21 THE COURT: Slow down.

22 Q. Take a breath. Have some more water.

23 A. Repeat the question again.

24 Q. Have some water.

25 A. All right.

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Goloff - direct

1 Q. Are you ready?

2 A. Yeah.

3 Q. You passed on the instruction that the technicians  
4 shouldn't speak with the inspectors. From what you could tell,  
5 did they listen to that specific instruction not to speak with  
6 the inspectors?

7 A. No.

8 Q. What do you mean by that?

9 A. They kept talking to them, because the inspectors were  
10 asking them questions.

11 Q. Did you also personally speak with the inspectors?

12 A. Yes.

13 Q. Did you speak with them on multiple subjects?

14 A. Yes, sir.

15 Q. Did Hellertown Pharmacy pass or fail the inspection?

16 A. They failed.

17 Q. Did you receive notice of that failure, Mr. Goloff?

18 A. Yes, I did.

19 Q. After that happened, did you receive anything from  
20 Ms. Lasher?

21 A. Yes. The next day, there was a memo placed on where my  
22 work area was.

23 Q. I am going to bring to you Government Exhibit 3004. This  
24 one is in a bag. When I say 3004, I'm looking at the sticker  
25 on the back. Do you recognize that, Mr. Goloff?

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Goloff - direct

1 A. Yes, of course.

2 Q. What is it?

3 A. It says Stephen --

4 Q. Mr. Goloff, I am not going to ask you to read it yet. It  
5 is not in evidence yet.

6 What is that piece of paper?

7 A. It's a memo.

8 Q. From who?

9 A. Mrs.~Lasher.

10 Q. Is that the one you received on your desk?

11 A. Yes, sir.

12 MR. RICHENTHAL: The government offers 3004?

13 MR. FREEMAN: No objection.

14 THE COURT: Received.

15 (Government's Exhibit 3004 received in evidence)

16 MR. RICHENTHAL: Ms. Chen, can you put this on the  
17 screen?

18 A. Do you put this down?

19 Q. Now we can talk about it.

20 A. Okay.

21 Q. You can look --

22 A. I'll look at the screen.

23 Q. It's up to you.

24 A. All right.

25 Q. You said this was on your work area?

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Goloff - direct

1 A. That is correct.

2 Q. How did you know it was from Ms. Lasher?

3 A. It's her handwriting, and I'm pretty sure -- yeah, it  
4 wasn't her signature on there, it was her handwriting.

5 Q. Can you read the note, Mr. Goloff?

6 A. Read it now?

7 Q. Yes, sir?

8 A. You complained to the inspector about me. You need to  
9 write a letter to him. 120 mistakes was on your shift because  
10 they were -- because they weren't focusing on their work. I  
11 never failed an inspection before. Get your facts straight.

12 Q. Let me pause there for a moment. This says they weren't  
13 focusing on their work. Who did you understand that to be  
14 referring to?

15 A. The technicians.

16 Q. These are the technicians who were answering the  
17 inspectors' questions?

18 A. Possibility. I don't know.

19 Q. What did you understand at the time about the note,  
20 Mr. Goloff?

21 A. When I saw that note?

22 Q. Yes, sir.

23 A. That she was blaming everything on me, the failure of the  
24 pharmacy inspection.

25 Q. I just want to ask specifically about that line for a

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Goloff - direct

1 moment.

2 A. All right.

3 Q. The reference to they weren't focusing on their work.

4 A. Oh, okay.

5 Q. You understand that to refer to the technicians?

6 A. Correct.

7 Q. The ones who were asked questions from the inspectors?

8 A. Correct.

9 Q. Now, more generally, you just said something like I thought  
10 she was blaming me?

11 A. That's what I got the impression, yeah.

12 Q. Now, there is a reference here, it's in the middle,  
13 Mr. Goloff --

14 A. I see that.

15 Q. -- you need to write a letter to him. Who did you  
16 understand the "him" to be?

17 A. The state board -- there was two people involved with the  
18 inspections. One was a State Board of Pharmacy and the  
19 complaint -- the complaint from the Bureau of -- I forget the  
20 term they used -- Professional Affairs of Pennsylvania. There  
21 were two agencies involved here.

22 Q. Now, at the bottom, it says get your facts straight,  
23 exclamation point. Do you see that?

24 A. Yes, sir.

25 Q. Had you been asked about facts by the inspectors,

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Goloff - direct

1 Mr. Goloff?

2 A. Yes.

3 Q. Were you honest with them?

4 A. Yes.

5 Q. Did there come a time after you got this note when you  
6 spoke with Ms. Lasher?

7 A. Yes.

8 Q. What, if anything, did she ask you to do when you spoke  
9 with her?

10 A. Write letters to the inspectors explaining everything that  
11 was told to them, that we really -- reverse everything, that we  
12 failed, that's what we really do.

13 MR. RICHENTHAL: You can take it off the screen,  
14 Ms. Chen.

15 BY MR. RICHENTHAL:

16 Q. Now, Mr. Goloff, you just said the word "reverse?"

17 A. Well, we reverse -- well, what we failed on this particular  
18 thing and she wanted me to write a letter in the context that  
19 we really do this particular task.

20 Q. Let's just pause. You told the inspector certain things?

21 A. Right.

22 Q. She wanted you to tell the inspectors certain things on the  
23 same subjects?

24 A. Correct.

25 Q. Was her version true or false?



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Goloff - direct

1 A. False.

2 Q. Did you agree to write the letter?

3 A. Unfortunately, yes.

4 Q. Why did you agree?

5 A. Because I wouldn't have my hours and jeopardize my  
6 position.

7 Q. After you wrote the letter -- let me back up.

8 Did Ms. Lasher ask you to give this letter to someone?

9 A. Just to her.

10 Q. To her?

11 A. Yes, sir.

12 Q. Not directly to the inspectors?

13 A. Not at all. She told me not to mail it off, she wants to  
14 look at it. She'll mail it on her own.

15 Q. Did you draft the letter?

16 A. I drafted it on my home computer.

17 Q. Did you give her a copy?

18 A. I sent her, by e-mail to her and to the Hellertown store  
19 e-mail, and I kept a copy -- I put the copy on her desk the  
20 next morning.

21 Q. So I want to now bring up to you what's been marked for  
22 identification as Government Exhibit 3001. It's two pages.  
23 Mr. Goloff, can you just look at it? Don't describe it in  
24 detail just yet. Do you recognize what that is?

25 A. Yes, the letter --

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Goloff - direct

1 Q. That's the second page you're holding, Mr. Goloff?

2 A. Yes.

3 Q. What is the first page?

4 A. The first page is the address, the e-mail from my home  
5 computer to Ms. Lasher's e-mail.

6 Q. What's the date on that e-mail, Mr. Goloff?

7 A. Sunday, September 23, 2012.

8 Q. Is that a few days after the inspection?

9 A. That is correct, sir.

10 MR. RICHENTHAL: Government offers 3001.

11 MR. FREEMAN: No objection.

12 THE COURT: Received.

13 (Government's Exhibit 3001 received in evidence)

14 MR. RICHENTHAL: Can you put that up, Ms. Chen.

15 BY MR. RICHENTHAL:

16 Q. Mr. Goloff, this is the first page, right?

17 A. Correct.

18 Q. Where you said from your home computer to Ms. Lasher?

19 A. Correct.

20 Q. Are you talking about the from line and the to line?

21 A. Yes, sir.

22 Q. Could you read the sentence above your name, Mr. Goloff?

23 A. Above my name? Where is that?

24 Q. Beginning good afternoon.

25 A. Good afternoon, Lena. Attached is my letter. Steve

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Goloff - direct

1 Goloff.

2 MR. RICHENTHAL: Ms. Chen, can you turn to the second  
3 page.

4 Q. Mr. Goloff, is this the attachment to your e-mail, that is,  
5 what you sent Ms. Lasher?

6 A. Yes.

7 Q. What happened next with the letter you drafted? Did anyone  
8 edit it?

9 A. Yes, she did.

10 Q. Who is she?

11 A. Mrs.~Lasher.

12 MR. RICHENTHAL: You can take that off the screen for  
13 just a moment, Ms. Chen.

14 Q. Did there come a time when someone asked you to sign a copy  
15 of this letter?

16 A. Yes.

17 Q. Who?

18 A. Mrs.~Lasher.

19 Q. Did you do so?

20 A. Yes, I did.

21 Q. I am going to walk up to you what has been marked for  
22 identification as Government Exhibit 3002. Do you recognize  
23 that?

24 A. Yes, I do.

25 Q. What is that?

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Goloff - direct

1 A. That's the letter to the State Board of Pharmacy with my  
2 signature on it.

3 Q. Is this the one Ms. Lasher asked you to sign?

4 A. Yes, sir.

5 Q. Or one of the ones Ms. Lasher asked you to sign?

6 A. Yes.

7 MR. RICHENTHAL: Government offers 3002.

8 MR. FREEMAN: No objection.

9 THE COURT: It's received.

10 (Government's Exhibit 3002 received in evidence)

11 MR. RICHENTHAL: Ms. Chen, can you put that up,  
12 please.

13 BY MR. RICHENTHAL:

14 Q. Mr. Goloff, did you see at the top it says, Dear Thomas  
15 Bat?

16 A. Correct.

17 Q. Do you recall who Mr. Batt was?

18 A. Batt was the state board inspector.

19 Q. You said there were two gentlemen?

20 A. Right. It was a Fitzpatrick, I believe, and a Mr. Bat,  
21 Thomas. Bat was the State Board of Pharmacy inspector,  
22 Fitzpatrick was the complaint department inspector for  
23 professional affairs.

24 Q. Could you read the first sentence?

25 A. Yeah. I leave good would like to clear up some

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Goloff - direct

1 misconceptions and interpretations of policies and rules.

2 Q. Let me pause there, Mr. Goloff. When you wrote this letter  
3 and then signed this letter, did you want to clear up some  
4 misconceptions, is that why you wrote it?

5 A. I was told to write that.

6 Q. Let's look at the next sentence. You see where it says, We  
7 allow all inspectors to look at all areas, including the back  
8 rooms where the techs work. The door was to be kept shut for  
9 the purpose to work quietly and focus on the orders. Do you  
10 see that, sir?

11 A. Yes, sir.

12 Q. Is there any reference in here to Ms. Lasher's instruction  
13 to you that the technicians should not speak with the  
14 inspectors?

15 A. Not in this sentence, no. It was only verbally to me at  
16 the time the inspection was going on.

17 Q. She didn't want that included in the letter?

18 A. Not at all. I don't think so.

19 Q. Did she ask you to include that in the letter?

20 A. No, no.

21 Q. Did you see the next line, there were numerous errors that  
22 day because I did not follow my supervisor's orders. Do you  
23 see, Mr. Goloff?

24 A. Yes, sir.

25 Q. Who do you understand your supervisor to refer to?

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Goloff - direct

1 A. To me, it could have been -- that's a good question.

2 Q. Who was your supervisor, Mr. Goloff?

3 A. Mrs.~Lasher.

4 Q. Do you see the next line?

5 A. Sure.

6 Q. We do allow you to speak to our staff about pharmacy  
7 matters. Do you see that, Mr. Goloff?

8 A. Right.

9 Q. The techs were to concentrate on the work and not disturb  
10 the inspection?

11 A. Right.

12 Q. Does that say that she instructed you to tell the techs not  
13 to speak with the inspectors?

14 A. Yes.

15 Q. Yes, it says that?

16 A. No, it doesn't say that.

17 Q. Did she ask you to include that in your letter?

18 A. No.

19 Q. Now, there is a reference here to the sick day policy in  
20 the next paragraph. Do you see that?

21 A. Yes, sir.

22 Q. Have you described the sick day policy accurately to the  
23 inspectors?

24 A. Well, it was -- we -- I referred to a sign posted, a memo  
25 posted to us.

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Goloff - direct

1 Q. Let me just be precise. When you were asked about the  
2 policy by the inspectors, did you tell them the truth?

3 A. Yes.

4 Q. Did Ms. Lasher want you to tell the truth about the policy?  
5 Strike that.

6 Did Ms. Lasher ask you to tell the truth about the policy  
7 in this letter or to say something else?

8 A. She asked me about the policy --

9 Q. Let me backtrack.

10 THE COURT: Why don't you try that question again.

11 MR. RICHENTHAL: Let me do it a different way.

12 A. That -- yeah, that's confusing.

13 Q. You said you answered the inspectors questions honestly --

14 A. Correct.

15 Q. -- on the sick day policy?

16 A. Right.

17 Q. I want to read you to the first sentence in the next  
18 paragraph.

19 A. Sure.

20 Q. As far as our sick day policy, you were told incorrectly by  
21 me. Was that right, Mr. Goloff?

22 A. Yes.

23 Q. Had you told the policy incorrectly to the inspectors?

24 A. No. I told them what was initially said, that we should  
25 come to work sick and they would determine if we were sick and

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Goloff - direct

1 go home and find a doctor.

2 Q. That's what you told the inspectors?

3 A. That is what we were following.

4 Q. That was true?

5 A. True, yes.

6 Q. Let's look at the next sentence. Mr. Goloff, do you see  
7 where it says, when orders are returned from mail, this is my  
8 supervisor's department, we do not return to active stock?

9 A. Right.

10 Q. Now earlier, sir, you testified that when orders were  
11 returned, they were put back in the totes?

12 A. That is correct. This statement is false.

13 Q. Let's look at the next line. We also hand count  
14 medications on all orders using a vial to measure accuracy.  
15 Mr. Goloff, were all orders counted pill by pill?

16 A. No.

17 Q. Were they all hand counted or were they poured?

18 A. They were poured. They weren't hand counted. Nothing was  
19 hand counted, only specific -- only certain drugs that were in  
20 the common list.

21 Q. You said the common list?

22 A. If there were three drugs involved, mainly they were  
23 counted by a pouring method. If it was a brand name or an odd  
24 drug, we would count it by hand.

25 Q. Let's just pause there for a second. You said that three



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Goloff - direct

1 drugs --

2 A. The soma, Fioricet, and tramadol pills.

3 Q. Did Ms. Lasher ask you to tell the inspectors, returns  
4 don't go back out? This sentence, Mr. Goloff, is this  
5 something Ms. Lasher wanted you to include in your letter?

6 A. Yes.

7 Q. Now, I want to direct your attention to the last sentence.  
8 Do you see, once again, I regret telling you bad information  
9 and I will be more cooperative in the near future with your  
10 department? Do you see that?

11 A. Yes, sir.

12 Q. Then it says, Thank you, Stephen Goloff, RPH. Do you see  
13 that?

14 A. Yes, sir.

15 Q. Why did you sign this letter, Mr. Goloff?

16 A. Because I was under distress and I want didn't want to lose  
17 my position there. It was hard to find another job at the  
18 time.

19 THE COURT: How long after the actual inspection did  
20 you send this letter?

21 THE WITNESS: The inspection date, I think, was the  
22 21st. I'm not recalling. It was like three days afterwards.  
23 I didn't send it. I sent it to Lena. It was on a Sunday I  
24 drafted this.

25 THE COURT: Okay. Hold on.

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Goloff - direct

1 THE WITNESS: All right.

2 THE COURT: There is a sequence. An actual  
3 inspection?

4 THE WITNESS: Correct.

5 THE COURT: A report from the state of Pennsylvania?

6 THE WITNESS: That was already sent immediately.

7 THE COURT: That was the same day as the inspection,  
8 the report, or the day after?

9 THE WITNESS: Almost the same day. The next day. I  
10 had an e-mailed copy. He sent me an e-mail copy of the report.

11 THE COURT: This is the letter that you signed how  
12 many days after?

13 THE WITNESS: It would be two, three days afterwards,  
14 yeah. The date is the 23rd. I think the inspection, I'm not  
15 sure, was the 21st. I'm not sure of the exact date of the  
16 inspection. You have the records.

17 THE COURT: I don't.

18 THE WITNESS: You don't have it, the attorneys have  
19 it. I have it, too. I don't know where it is.

20 BY MR. RICHENTHAL:

21 Q. I'm going to ask another question.

22 A. Sure. Go ahead.

23 Q. Other than this letter --

24 MR. RICHENTHAL: Ms. Chen, you can take it off the  
25 screen.

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Goloff - direct

1 Q. -- did Ms. Lasher ask you to send anything else after the  
2 inspection?

3 A. Yes, I recall that.

4 Q. Mr. Goloff, I'm going to show you what's been marked for  
5 identification as government exhibit -- actually, we are going  
6 to put it on your screen -- 1031 in evidence.

7 Mr. Goloff, do you see that?

8 A. Yes, sir.

9 Q. This was also after the inspection?

10 A. Yes.

11 Q. It's dated September 19, 2012?

12 A. Right.

13 Q. Entitled inspections?

14 A. Correct.

15 Q. Do you see the line that says, The moment the state  
16 pharmacy board inspector arrives at the pharmacy, call Lena  
17 immediately, exclamation point, exclamation point, exclamation  
18 point. Do you see that, sir?

19 A. Yes, sir.

20 Q. Had you done that?

21 A. Yes, I did.

22 Q. Let's look at B. When an inspector asks questions the  
23 pharmacist does not know the answers to, call Lena immediately,  
24 exclamation point, exclamation point, exclamation point. Had  
25 you done that?

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Goloff - direct

1 A. Yes, I did.

2 Q. Let's look at C. Before the inspector leaves the pharmacy,  
3 call Lena right away, exclamation point, exclamation point,  
4 exclamation point. Had you done that?

5 A. Yes, I did.

6 Q. Had you, in fact, spoken with her multiple times during the  
7 inspection?

8 A. Yes, I did.

9 Q. Did someone ask you to sign this, Mr. Goloff?

10 A. Yes.

11 Q. Who?

12 A. Lena.

13 Q. That's Ms. Lasher?

14 A. Yes, sir.

15 Q. I would like you now to look at Government Exhibit 1032,  
16 the next exhibit also in evidence. Mr. Goloff, this is, again,  
17 going on your screen.

18 A. Sure.

19 Q. Do you see that?

20 A. Yes, sir.

21 Q. Do you see the date?

22 A. Yes, sir.

23 Q. Also after the inspection?

24 A. Correct.

25 Q. Now, it says at the top Palmer Pharmacy & Much More and

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Goloff - direct

1 Hellertown Pharmacy?

2 A. Correct.

3 Q. Were those the two pharmacies with which you worked?

4 A. Yes, sir.

5 Q. It says prescription counting policy?

6 A. Yes, sir.

7 Q. Do you see number one, Mr. Goloff?

8 A. Yes, sir.

9 Q. All prescriptions must be counted by hand or by machine.

10 Do you see that?

11 A. Yes, I do.

12 Q. Before I ask you about that, did someone ask you to sign  
13 this?

14 A. Yes.

15 Q. Who?

16 A. Mrs. Lasher.

17 Q. Can you point to where your signature is?

18 A. On the top, top line.

19 Q. That's the first line, Mr. Goloff?

20 A. Correct.

21 Q. Is that the same day the policy is dated, from what you can  
22 tell?

23 A. Yes, it was. I believe so. I can't see that.

24 MR. RICHENTHAL: Ms. Chen, can you maybe blow up the  
25 first signature.

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Goloff - direct

1 A. I don't know if that's the two -- that's the 21st.

2 Q. Can you now see it better, Mr. Goloff?

3 A. Yes. It's the 21st, yes.

4 Q. Is that the same day as the policy?

5 A. Yes, sir. It wasn't the same day. Yes, it is the same  
6 day. Yes.

7 Q. Now, you said Ms. Lasher asked you to sign this?

8 A. Yes, sir.

9 Q. Now, at the time that you signed this, did she ask you to  
10 ensure that pills were to be counted by hand pill by pill, all  
11 pills?

12 A. We were told. No, not count by hand, no.

13 Q. You weren't told that by Ms. Lasher --

14 A. No.

15 Q. -- at the time you were asked to sign?

16 A. Right.

17 Q. After the time you were asked to sign, did she tell anyone  
18 else, We are going to start counting by hand pill by pill?

19 A. No. The only thing she started, she got a scale method.

20 Q. I will ask you about that. Let's be precise.

21 At the time she asked you to sign this, did she tell you or  
22 anyone else, We are going to start counting -- pills?

23 A. No, no.

24 Q. -- by hand pill by pill?

25 A. Not at all.

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Goloff - direct

1 Q. You made reference to a scale?

2 A. We had a balance.

3 Q. I'm going to ask you about that in a second.

4 A. Okay.

5 Q. Let me ask you something else first.

6 A. Sure.

7 Q. There's a reference here to a machine. Do you see that,  
8 Mr. Goloff?

9 A. Yes.

10 Q. Do you know what a pill-counting machine is?

11 A. Yes, I do.

12 Q. Have you seen one?

13 A. Of course. I've use one myself. Not at this store, but  
14 other stores.

15 Q. You said not at this store. Was one used at Hellertown?

16 A. No.

17 Q. Was one used at Palmer?

18 A. No.

19 Q. What other kind of machine was there?

20 A. I think you said it. There was a balance.

21 Q. A balance, you mean a scale?

22 A. A scale.

23 Q. Was that another method to count or approximately count  
24 pills?

25 A. Want me to explain the theory behind it?

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Goloff - direct

1 Q. Explain what you did.

2 A. Okay. What they did with the balance, an accurate count,  
3 let's say 90 pills. You put it in a vial, weigh that, weigh it  
4 on a scale. Take the number of that, let's say 15 grams, okay,  
5 and then the next vial, we would pour in the pills in the vial.  
6 And then when the weight comes up to 15 grams, that's what we  
7 use.

8 Q. Let me pause, Mr. Goloff. You described a certain  
9 method --

10 A. With the balance.

11 Q. -- involving a balance?

12 A. Right.

13 Q. Earlier you described a method involving pouring into an  
14 eye level?

15 A. That's correct.

16 Q. Were those the two methods used at Hellertown and Palmer  
17 Pharmacy?

18 A. Yes, at one time.

19 Q. Let me be precise. Were those the two methods used  
20 throughout the time --

21 A. No, just the pouring.

22 Q. Then at some point someone also used the scale method?

23 A. Yes.

24 Q. Was that accurate?

25 A. Not really, no, no.



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Goloff - direct

1 Q. At any point at Hellertown or Palmer Pharmacies, in your  
2 presence, did anyone hand count pill by pill Fioricet,  
3 tramadol, or Soma?

4 A. Only if it was an odd quantity.

5 Q. An odd quantity meaning like not 90, 120 --

6 A. That is correct, sir.

7 Q. -- or 180?

8 When Ms. Lasher asked you to sign this, did she say we were  
9 going to stop doing the pours and not going to use the scale,  
10 we are going to counter pills by hand?

11 A. She didn't say that.

12 Q. Did she say we are going to start using a pill-counting  
13 machine?

14 A. No.

15 Q. Did the pharmacy even have a pill-counting machine?

16 A. Not to my knowledge.

17 Q. The counting you're talking about, whether it is the scale  
18 or the pouring, did that occur on camera?

19 A. Oh, yes.

20 Q. Did it occur in front of Ms. Lasher?

21 A. While she's in the store you mean?

22 Q. Yes, sir.

23 A. Oh, yes.

24 Q. Did she continue to come in the stores after the  
25 inspection?

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Goloff - direct

1 A. Yes.

2 Q. Did she continue to be present when people used the pouring  
3 or the scale?

4 A. Yes.

5 Q. Did she tell anyone to stop?

6 A. No.

7 MR. RICHENTHAL: Mr. Goloff, I want to show you  
8 something else on a different subject. Ms. Chen, you can take  
9 that off the screen.

10 BY MR. RICHENTHAL:

11 Q. I'm going to show you 3003 in evidence. Ms. Chen is going  
12 to put it on the screen. I'm also going to bring you a hard  
13 copy because it's a bunch of pages. All right?

14 A. Sure.

15 Q. Do you recognize that, Mr. Goloff?

16 A. Yes, sir.

17 Q. This is just one page, right? Let me be more precise.

18 A. It's more than one page.

19 Q. That's why it wasn't a good question. Let's try it again.

20 A. Just cross that out.

21 Q. What is on your screen is one wage?

22 A. Say that again?

23 Q. What is on your screen is one page?

24 A. Yes.

25 Q. You're holding a bunch more?

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Goloff - direct

1 A. Correct.

2 Q. Do you recognize generally what the bunch is, what these  
3 papers are?

4 A. This is my report of class two narcotics.

5 Q. You say "my report." Did you actually print this out?

6 A. I print the report out. It came from the computer, the  
7 walk-in pharmacy computer system.

8 Q. At what pharmacy?

9 A. At Hellertown Pharmacy, sir.

10 MR. RICHENTHAL: Ms. Chen, could you turn to the page  
11 in 3003 that is marked in the lower right-hand corner 8528.  
12 That's the lower right page number.

13 A. Do you want me to get to that page myself?

14 Q. You could. If the screen is easier, use the screen.

15 A. I think I would rather read the hard copy here. It's kind  
16 of weird. 8528, sir?

17 Q. Yes.

18 A. Yes, I have it.

19 Q. Okay. Mr. Goloff, do you see the second line?

20 A. Yes, I do.

21 Q. Let's start with the left.

22 A. Oh, I'm sorry. Let me look at the screen. I think we're  
23 on the wrong page. I'm on -- yes, I see the second line.

24 Q. Do you see the second line?

25 A. Correct.

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Goloff - direct

1 Q. On the page marked 8528?

2 A. Page 15 was it, on the top? Page 15?

3 Q. Yes, Mr. Goloff, it does.

4 A. I got that.

5 Q. We're on the same page?

6 A. Yes, I'm on the same page.

7 Q. Do you see the second line in this report?

8 A. Yes, sir.

9 Q. There is a date. Do you see that, sir?

10 A. Yes, sir.

11 Q. Do you then see the name of a patient?

12 A. Yes, sir.

13 Q. Was that Dr. H?

14 A. That's correct.

15 Q. Do you then see the name of a prescriber?

16 A. Yes, I do.

17 Q. Is that Dr. H?

18 A. No.

19 Q. Do you know why this doesn't say Dr. H, if he was the one  
20 writing the prescriptions? Actually, pause for one second.

21 What is this for? What is this prescription for, looking  
22 to the right?

23 A. Opium tincture.

24 Q. He was writing those for himself, is that right?

25 A. At the time, yes.

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Goloff - direct

1 Q. Now let me ask my question again. Do you know why this  
2 says prescriber and it lists someone other than Dr. H?

3 A. Yes, I do. I remember what happened.

4 Q. What happened, Mr. Goloff?

5 A. Dr. H came in with Dr. C's prescription pack, wrote the  
6 prescriptions under his, Dr. C's, name, and he was doing  
7 Mr. H's prescriptions.

8 Q. Let's take it piece by piece.

9 A. Sure.

10 Q. When did this happen, after the inspection?

11 A. Yes, sir.

12 Q. Dr. H shows up at the pharmacy?

13 A. Correct, sir.

14 Q. Does he ask for anyone?

15 A. Lena.

16 Q. That's Ms. Lasher?

17 A. Yes, she was present at the time.

18 Q. Did Ms. Lasher then ask you to print anything out for her?

19 A. Print out the printout of his profile, of his particular  
20 profile. This is for the opium prescription.

21 Q. Let me pause, Mr. Goloff. When you say his particular  
22 profile --

23 A. His profile, yeah.

24 Q. -- that is Dr. H's profile?

25 A. Correct.

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Goloff - direct

1 Q. You say "profile." You mean within the Hellertown computer  
2 system?

3 A. Yes.

4 Q. Did that indicate that he was his own prescriber?

5 A. Correct.

6 Q. Who did you give that report to at that time?

7 A. I gave it to Lena and Lena gave it to the doctor. I'm  
8 sorry, I gave it to Lena. Sorry.

9 Q. Let's take -- nothing to apologize for. I want to take it  
10 step by step.

11 A. Baby steps. I'm sorry. I understand.

12 Q. Don't apologize.

13 A. All right.

14 Q. You print it up. Who do you hand it to?

15 A. Lena.

16 Q. That's Ms. Lasher?

17 A. Correct.

18 Q. Was Dr. H physically there, too?

19 A. Yes, sir.

20 Q. He did say anything to her at the time?

21 A. No?

22 MR. FREEMAN: Objection to what he said.

23 BY MR. RICHENTHAL:

24 Q. Did he say anything to Ms. Lasher at the time?

25 MR. FREEMAN: Objection.

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Goloff - direct

1 THE COURT: It would still be a yes or no.

2 Q. Did he say anything to Ms. Lasher?

3 A. Yes.

4 Q. Did he ask her anything?

5 A. No.

6 Q. Did he express concerns about anything?

7 A. Yes, sir.

8 Q. What concerns did he express to her?

9 MR. FREEMAN: Objection.

10 THE WITNESS: He said --

11 MR. RICHENTHAL: I'm going to ask Mr. Goloff how she  
12 responded, your Honor. It's not offered for truth.

13 MR. FREEMAN: It is offered for the truth.

14 MR. RICHENTHAL: It's a statement in furtherance. In  
15 any event, it's not offered for truth. Her hearsay is not  
16 hearsay. To understand the response, the jury needs to know  
17 what she was responding to.

18 THE COURT: I'll allow it.

19 BY MR. RICHENTHAL:

20 Q. Mr. Goloff, what did Dr. H express to Ms. Lasher?

21 A. If he is going to get in trouble by doing this.

22 Q. What did she say back?

23 A. No, don't worry about it.

24 Q. Now, you have given Ms. Lasher the patient profile at this  
25 point?

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Goloff - direct

1 A. Yes, with the dates and the prescription numbers that were  
2 dispensed under his name, written under his name and dispensed  
3 under his name.

4 Q. Where, if anywhere, did Dr. H and Ms.~Lasher go after you  
5 handed Ms. Lasher this printout?

6 A. They went to the back room.

7 Q. You say the back room, you mean the back room of the  
8 pharmacy?

9 A. Correct.

10 Q. Could you hear what they spoke about at that point?

11 A. No, I couldn't. I wasn't involved, no.

12 Q. They walked away from you?

13 A. Oh, yeah. I wasn't -- I was present in the front store. I  
14 didn't go with them.

15 MR. RICHENTHAL: Now let me pause for a second.

16 Ms. Chen, you can satisfy this off the screen.

17 BY MR. RICHENTHAL:

18 Q. Mr. Goloff, I'm going to show you on your screen 3006. Do  
19 you recognize that?

20 A. Yes, sir.

21 Q. What is that, Mr. Goloff?

22 A. That is like a shot of the computer -- the computer's  
23 program on the screen. We would -- the pharmacist would look  
24 at the patient profile on the screen itself.

25 Q. Is this a piece of what you gave Ms. Lasher?



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Goloff - direct

1 A. No.

2 Q. What's missing on this screen, Mr. Goloff, compared to what  
3 you gave Ms. Lasher?

4 A. There is more than one -- there is only a certain -- it  
5 wasn't all a complete profile.

6 THE COURT: He asked you, sir, if it was a piece of  
7 what you gave to Mrs.~Lasher. Was it a piece of what you gave?

8 THE WITNESS: Yes, it was a piece of it.

9 BY MR. RICHENTHAL:

10 Q. What you gave her had more information on it?

11 A. Yes, sir.

12 Q. Was it also from the patient profile?

13 A. Yes, sir.

14 Q. Now, you said that Ms. Lasher and Dr. H walked into the  
15 back, correct?

16 A. Yes.

17 Q. Did there come a time when they left the back?

18 A. Yes.

19 Q. Did they return to where you were?

20 A. Yes.

21 Q. Were they together?

22 A. Yes.

23 Q. Just physically near each other?

24 A. Yes. I don't know a particular period of time they were  
25 together, but they were there.

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Goloff - direct

1 Q. Just did they walk out together?

2 A. No.

3 Q. Did they walk out of the back room together?

4 A. Yes.

5 Q. Did they walk over to you together?

6 A. Yes.

7 Q. When they walked out and walked over to you, did Dr. H have  
8 anything with him?

9 A. He had the set of prescriptions that --

10 Q. He had a set of prescriptions with him?

11 A. Yes, sir.

12 Q. Did either Dr. H or Ms.~Lasher give them to someone?

13 A. Well, they put it on my desk.

14 Q. What prescriptions were these, Mr. Goloff?

15 A. They were the prescriptions that were written under  
16 Dr. Cochran's name.

17 Q. Let's pause for a second. You just said prescriptions  
18 written in Dr. Cochran's name?

19 A. Yes.

20 Q. Prescriptions for what?

21 A. For the opium.

22 Q. Were they dated the day they gave them to you or a  
23 different day?

24 A. The date that he -- the date that it was inspected, written  
25 on the date Dr. H wrote the script.

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Goloff - direct

1 Q. In other words, they matched the prior dates?

2 A. Prior dates, right, not the dates that -- that physical  
3 date that day, no.

4 Q. Let me back up. Did anyone ask you to do anything with  
5 these prescriptions?

6 A. Yes.

7 Q. Would asked you to do anything?

8 A. Lena.

9 Q. That's Ms.~Lasher?

10 A. Right.

11 Q. What did she ask you to do?

12 A. Go back to the prescription number on the computer, edit  
13 the doctor's name, and put Dr. Cochran's name in there, and  
14 then reprint the label to put on the prescriptions, our copy.

15 Q. Let's sort of break that down. She tells you to go into  
16 the computer system --

17 A. Right.

18 Q. -- and change the doctor's name?

19 A. No. Under the patient's name, Dr. H is the patient. Go in  
20 there and put the specific prescription number and then edit  
21 the doctor and reprint the label for that date, but with the  
22 new doctor's name on it. Just edit the doctor. We didn't edit  
23 anything else.

24 Q. You say "edit the doctor?"

25 A. That means change the doctor's name.

F58sLAS2

Goloff - direct

1 Q. Do you mean the prescriber?

2 A. Yes, the prescriber, yes.

3 Q. Were you asked to have it match the prescriptions you had  
4 been given?

5 A. Yes.

6 Q. Were these for one date or multiple dates?

7 A. Multiple dates, sir.

8 Q. Let's go back to 3006 for a moment. Mr. Goloff, when you  
9 say edit the prescriber or doctor --

10 A. Um-hmm.

11 Q. -- what do you mean by that?

12 A. Well, from here, we would go -- where it says on the bottom  
13 of the screen change one, so we hit C1, and now we bring up to  
14 another screen. We don't have a copy of that. Then go into  
15 the line where it says physician's name, and there is another  
16 thing you hit change, I think CM, to change medication  
17 prescriber, and then change the name and then redo the label  
18 again.

19 Q. Were you asked to change anything other than the  
20 prescriber?

21 A. No.

22 Q. Were you asked to match what you did to the physical  
23 prescriptions you were handed?

24 A. Yes.

25 Q. Where was Ms. Lasher when you were doing this work?

F58sLAS2

Goloff - direct

1 A. Right next to me, helping me do it.

2 Q. You said helping you do it. What was she doing?

3 A. Taking the stuff on the printer and putting it on, the  
4 labels itself.

5 Q. You were also physically printing out a label?

6 A. Yeah, we were putting it on the back of the -- well, one  
7 part of the label goes on the bottle. We weren't redoing the  
8 prescription over, just taking the second part of the label  
9 that is attached to the back of the label of the prescription  
10 that has the prescription number and all the information.

11 Q. You are doing this after the inspection, is that right?

12 A. Yes, sir.

13 Q. That is sometime after mid to late September 2012?

14 A. In and around that time, yes.

15 Q. The prescriptions were dated before, is that right?

16 A. Correct.

17 Q. The printed-out label, did they have the date in September  
18 '12 or it had earlier dates?

19 A. They had the date that it was originally signed with the  
20 first doctor. It was the same dates, but the doctor is  
21 changed. Everything was the same but the doctor is changed,  
22 that's all.

23 Q. When you printed the label out, Mr. Goloff, where did that  
24 label go?

25 A. The label to the bottle, on the bottle?

F58sLAS2

Goloff - direct

1 Q. Yes.

2 A. That goes in the trash again.

3 Q. The new labels, Mr. Goloff?

4 A. The new labels.

5 Q. Where did they go?

6 A. We used the second part of the label.

7 Q. What did you do with the second part of the label?

8 A. Put it on the back of the script.

9 Q. Where was Ms. Lasher when you were doing that?

10 A. Right next to me.

11 Q. Was she helping with that, too?

12 A. Yes, sir.

13 MR. RICHENTHAL: Your Honor, it is just after 11:15.

14 I think this is a good time to break.

15 THE COURT: A good time to break. Everybody, let's  
16 take our break, and remember the rules.

17 THE WITNESS: Thank you.

18 THE COURT: Keep an open mind, don't talk about the  
19 case.

20 I have another matter I'm squeezing in at 11:30. I  
21 hope to be done by 11:45, but if you're kept waiting, it's  
22 because I'm doing something else in the courtroom.

23 (Jury excused)

24 (Jury not present)

25 MR. FREEMAN: Your Honor, I have something to put on

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Goloff - direct

1 the record.

2 THE COURT: Yes.

3 MR. FREEMAN: Your Honor, reluctantly, I am asking for  
4 the court to declare a mistrial with respect to the hearsay  
5 objection. This witness testified about what Dr. H --  
6 H-a-y-t-m-a-n-e-k -- said to him, that he, Dr. H, thinks he is  
7 going to get into trouble. That is a hearsay statement. It is  
8 offered for the truth. I know that the prosecutor will sum up  
9 on it and it will be offered for the truth and argued that way.

10 In addition, it is not in furtherance. There is no  
11 conspiracy between Lena Lasher and Dr. H. It is a significant  
12 piece of evidence that will not allow a fair explanation. I am  
13 asking for a mistrial.

14 THE COURT: First of all -- go ahead.

15 MR. RICHENTHAL: First, I am not going to sum up on  
16 it. First, there was a conspiracy between Dr. H and Lena  
17 Lasher. Based on a preponderance, based on the witness's  
18 testimony alone, especially in conjunction with the documentary  
19 tax evidence. Third, it is not offered for truth, it was  
20 offered so the jury can understand Ms. Lasher's response.  
21 Categorically, it's not hearsay as matter of law. Her response  
22 literally makes no response unless the jury first hears what  
23 she heard. Finally, this is not that big of a deal. This  
24 small piece of evidence is not the problem. The problem, as is  
25 apparent from the timing of Mr. Freeman's objection, is what

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Goloff - direct

1 Ms. Lasher asked this witness to do, not what Dr. H said to  
2 Ms. Lasher. It is not appropriate for a mistrial because it is  
3 legally permissible. In any event, its *de minimus*.

4 THE COURT: Right.

5 (Luncheon recess)



F58sLAS2

Goloff - direct

(In open court; jury not present)

THE COURT: Counsel, we got a note from a juror, I think, which I'm getting copies made for you. It's a series of kind of substantive questions about proper practice: Is it a general rule for pharmacists, Internet -- I'm going to give it -- we'll mark it as a court exhibit. I will give you copies.

My proposed response -- I think it's accurate -- is that most, if not all, of the questions that the juror has will, to my knowledge, be the subject of testimony. I think it gets very much to the expert questions. I don't propose to otherwise respond. It will, I guess, give you, shall we say, a heads up on what's on their minds, for you to do with whatever -- you know, do what you do.

MS. GREENBERG: Thank you.

MR. RICHENTHAL: That makes sense to us.

Mr. Freeman?

MR. FREEMAN: Yes.

THE COURT: So we're just getting the copies made.

(Pause)

Counsel, I know you haven't had a lot of time to look at the note, but given the time you've had, any objections to my proposal?

MR. FREEMAN: No.

THE COURT: Okay. Fine.

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1 MR. RICHENTHAL: No, your Honor.

2 THE COURT: So bring the jury back in. Perhaps one of  
3 the agents could get the witness.

4 (Continued on next page)

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F58elas3

1 (In open court; jury present)

2 THE COURT: Ladies and gentlemen, thank you for your  
3 patience as I handled the other matter.

4 I have a note from one juror. I have no idea who it  
5 is. I don't want to know. Let me just say that the subjects  
6 raised by the questions I believe will be the -- some of them  
7 will be the subject of testimony as the case goes on.

8 You may continue.

9 BY MR. RICHENTHAL:

10 Q. Good afternoon, Mr. Goloff.

11 A. Good afternoon.

12 Q. When we took the break, you had just testified about  
13 prescriptions you were handed, and I believe you talked about  
14 printing out a sticker? Do you recall that, Mr. Goloff, or --

15 A. Well, it was -- only altered the doctor's name. And the  
16 printout of another label, there was two parts to it. One gets  
17 on the bottle. Second part goes on back of the prescription or  
18 in the bottom part of the two-part label. And the other's a  
19 big printout for the patients, information of the medication.  
20 And that sticker would go on to the new prescription with the  
21 same -- everything's the same -- the date, the name of the  
22 patient -- but the doctor's name has been changed.

23 Q. Let me pause there for a second. There are two labels?

24 A. There was -- it's two -- it's one big sheet. It's two  
25 parts. One label goes -- there's a little label goes on the

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Goloff - direct.

1 prescription bottle. That's the main label. There's a  
2 secondary label, like a little tag underneath, that gets put on  
3 the hard copy itself.

4 Q. Now, in this case, with respect to the new prescriptions,  
5 was there a bottle?

6 A. No.

7 Q. What did you do with the label that would typically go on  
8 the bottle?

9 A. Destroy it.

10 Q. What did you do with the other label?

11 A. That little tiny label?

12 Q. Yes.

13 A. Put it on the new prescription.

14 Q. Now, was that the typical practice at the time the original  
15 prescription --

16 A. Yes. Yes, nothing was changed then.

17 Q. Was it placed on the new prescription in the manner it  
18 would have been placed on back when the original prescriptions  
19 were issued?

20 A. Yes.

21 Q. What was the purpose of doing that, Mr. Goloff?

22 A. Which part, putting the second label on or --

23 Q. What was the purpose for these new prescriptions, of  
24 putting that label on the prescription?

25 A. To make it look like -- had to match what the doctor seen

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Goloff - direct.

1 and the patient's name, matching on that little auxiliary  
2 label.

3 Q. To make it look like a real prescription?

4 A. Well, yes. Correct.

5 Q. Now, you have a bunch of new prescriptions when you're done  
6 with this process, is that right?

7 A. Say that again?

8 Q. You have the new prescriptions --

9 A. Right.

10 Q. Correct?

11 A. Correct.

12 Q. Where, if anywhere, did you put those?

13 A. Back in the file, away file.

14 Q. When you say the "file" --

15 A. It's the Class II narcotic files.

16 Q. What was in those files typically at Hellertown Pharmacy?

17 A. Yes. They were in a drawer with all the files with the  
18 C2 -- all the narcotic prescriptions on them.

19 Q. Now, where specifically did you put the new prescriptions?

20 A. In the C2 file.

21 Q. Anywhere in the file?

22 A. No. When the order was -- when the order was filled, that  
23 date, that number. It wasn't placed -- on that date that we  
24 altered it, we placed it on the original date that was filled.

25 Q. Let's back up for a second. How was the file kept? Is it

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Goloff - direct.

1     chronological --

2     A.   Chronological, numerical by date.

3     Q.   So in order, oldest to newest?

4     A.   Say that again?

5     Q.   Oldest to newest, chronological order?

6     A.   Yes.

7     Q.   So you have the new prescriptions?

8     A.   Right.

9     Q.   They have multiple dates on them, is that right?

10    A.   On the new prescriptions?

11    Q.   Yes, sir.

12    A.   No.  It has the old -- on the new prescription, it has the  
13    date that it was changed from the original one.

14    Q.   They have multiple prior dates, is that --

15    A.   Right.

16    Q.   When you went to the new -- when you went to the C2 file,  
17    Mr. Goloff, where did you put the new prescriptions?

18    A.   Back in -- replace where the old one was.  Replaced the old  
19    one with the new script, with the same prescription number, the  
20    same date, but the doctors changed.  That's the only thing that  
21    was changed.

22    Q.   In that file, when you do that, did you see the old  
23    prescription?

24    A.   No.  We don't have -- didn't put the old one in there.

25    Q.   I'm not asking that, Mr. Goloff.  One second at a time.

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Goloff - direct.

1 A. All right.

2 Q. You go into the file?

3 A. Uh-huh.

4 Q. You look for the right date?

5 A. Right.

6 Q. You find the old prescription?

7 A. Right.

8 Q. Now you've got an old prescription, which is the real one;  
9 you got a new prescription? Yes?

10 A. Yes.

11 Q. Put the new one in the same place where the old one was?

12 A. Right.

13 Q. What did you do with the old one?

14 A. Old one, we took it out, and I don't know what happened  
15 afterwards.

16 Q. Did you give it to anyone?

17 THE COURT: What did you do with it?

18 A. I did. I put it on the desk.

19 Q. Put it on which desk?

20 A. My desk.

21 Q. Was Ms. Lasher present when you did it?

22 A. Yes, sir.

23 Q. Mr. Goloff, I'm going to walk up to you.

24 A. Sure.

25 Q. I'll show you what's been marked for identification

F58elas3

Goloff - direct.

1 Government Exhibit 1049. Before opening it, just do you  
2 recognize that form generally?

3 A. Yes.

4 Q. What is that, Mr. Goloff?

5 A. That is the narcotic file.

6 Q. Well, the entire file or a piece of it?

7 A. What, one sticking out?

8 Q. No, sir. What you're holding in your hand, is that the --

9 A. No. That's not the whole file. No.

10 Q. That's a piece of the file?

11 A. Right. This has the numerical dates. It's filed by  
12 hundreds, hundred scripts in here.

13 Q. Hundred scripts at a time?

14 A. In each binder, yes.

15 Q. By date?

16 A. Right.

17 Q. Would you recognize that from your time at Hellertown  
18 Pharmacy?

19 A. Yes.

20 MR. RICHENTHAL: The government offers 1049.

21 MR. FREEMAN: No objection.

22 THE COURT: Received.

23 (Government's Exhibit 1049 received in evidence)

24 BY MR. RICHENTHAL:

25 Q. Now, Mr. Goloff, there are some papers poking out the top.



F58elas3

Goloff - direct.

1 Just to make this easier, can you pull those papers out?

2 A. Well -- messier file. Is it in -- all right.

3 Q. It's all right if you mess it up.

4 A. Okay, cool.

5 Q. Had you pulled those papers out?

6 A. Yes, I did.

7 Q. You can look through them one at a time. Take as much time  
8 as you want. Look up when you're done.

9 A. Okay.

10 Q. Have you looked at those, Mr. Goloff?

11 A. Yes.

12 Q. What are those?

13 A. They're the prescriptions for tincture opium from -- for a  
14 patient, Craig Hanchek (sic), signed off Eric Cochran, is the  
15 doctor on some of them. And the other one was one the  
16 Dr. Craig H. wrote for himself.

17 Q. I'd like you to separate those into two piles.

18 A. All right.

19 Q. Can you put in one pile the prescriptions you recognize you  
20 were handed when you were asked to change the information.

21 Just put those to the side, all in one pile.

22 Have you done that?

23 A. Yeah.

24 Q. How many are in that pile?

25 A. I got four that were changed.

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Goloff - direct.

1 MR. RICHENTHAL: May I publish, your Honor.

2 THE COURT: Yes.

3 A. These are the ones you're talking about?

4 THE COURT: There's no question. If there's no  
5 question, don't say anything.

6 THE WITNESS: All right.

7 Q. Mr. Goloff, I'm just going to give the jury some time.

8 A. No problem. (Pause)

9 Q. Mr. Goloff, while the jury is continuing to look at those,  
10 the subset that you just identified -- you don't have it. The  
11 jury has it.

12 The subset you just identified, were those all the  
13 forged prescriptions you were given or just a smaller subset?

14 MR. FREEMAN: Objection.

15 Q. Were those all the prescriptions you were given?

16 A. That went to the jury as now?

17 Q. Yes.

18 A. No.

19 Q. You were given more than that?

20 A. Yes, sir.

21 Q. That's a subset?

22 A. Mm-mm.

23 MR. FREEMAN: Object to what he guesses.

24 THE COURT: I'm not -- I think you may have misheard  
25 him.

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Goloff - direct.

1 MR. FREEMAN: He said I guess so.

2 A. I didn't say I guess. There's more.

3 Q. Let's be clear, Mr. Goloff: Were you given more than that  
4 number?

5 A. Yes. That number the jury -- yes, I was.

6 Q. You were given more than that?

7 A. Yes.

8 Q. When you went into the C2 file, what process are you using  
9 to match the new prescriptions and the old prescriptions?

10 A. Prescription number.

11 Q. So let's use an example. Just hypothetically, let's say  
12 one of the new ones said 123456. What are you looking for in  
13 the file?

14 A. Same number.

15 Q. And you did that for every prescription you were handed?

16 A. That's correct.

17 Q. Now, those numbers, were those generated when the  
18 prescriptions were issued in the past?

19 A. Yes.

20 Q. Not when you were handed them, the new ones?

21 A. No, they couldn't be. The new -- if I was handed the new  
22 ones, the numbers weren't produced yet.

23 Q. Now, let me just -- I'm going to wait another moment for  
24 the jury to finish.

25 MR. FREEMAN: Your Honor, could the court reporter

F58elas3

Goloff - direct.

1 read back the last word? The numbers weren't -- maybe your  
2 Honor could read it. I don't have the term.

3 THE COURT: No, they couldn't be. The new -- if I was  
4 handed the new ones, the numbers weren't produced yet.

5 MR. FREEMAN: Oh, produced.

6 Q. What do you mean by that?

7 A. If I could clarify myself, let me explain to the jury --  
8 the Court?

9 Q. Sure.

10 A. The original prescription -- let's give you an example,  
11 this one.

12 Q. Just for the record --

13 A. Just for clarification.

14 Q. You're holding a prescription from Government Exhibit 1049?

15 A. Right. Let's say this prescription was 986. We were given  
16 a new prescription without any entry yet of under Dr. Cochran's  
17 name, and the date this was on here, all right? You following  
18 me? The date -- let's say this prescription was dated 5/3/11  
19 and with this prescription number. The number -- the new  
20 prescription the ---that Cochran's name was under, would be --  
21 I wouldn't say this particular prescription's file, one that's  
22 under this. Just change the doctor's name, and I'll say on the  
23 new tag, it will say 96 -- 986 for this thing. And the date  
24 that was filled that could have been -- on the date that was  
25 filled on this paper, put it on the new one. That's the only

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Goloff - direct.

1 thing that was changed.

2 THE COURT: I'm now getting more confused.

3 THE WITNESS: It's not confusing. It's hard to  
4 understand.

5 Q. Let me see if I can talk us through it.

6 THE COURT: When you -- you went into the computer  
7 system.

8 THE WITNESS: Right.

9 THE COURT: You generated a prescription -- well, in a  
10 sense, it's a record of the prescription.

11 THE WITNESS: Right.

12 THE COURT: The prescription is really the handwritten  
13 piece of paper.

14 THE WITNESS: Right.

15 THE COURT: So that you then take the new handwritten  
16 piece of paper and enter information within the computer  
17 system.

18 THE WITNESS: Correct.

19 THE COURT: You use the same date --

20 THE WITNESS: Correct.

21 THE COURT: -- as the original prescription.

22 THE WITNESS: Correct.

23 THE COURT: You change the doctor?

24 THE WITNESS: Correct.

25 THE COURT: You don't change anything else?

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Goloff - direct.

1 THE WITNESS: No.

2 THE COURT: Okay. And now we're just -- the last  
3 questions were about what number is given to that.

4 THE WITNESS: The same number that was on the  
5 original.

6 THE COURT: Because you don't change that?

7 THE WITNESS: Right. That's correct.

8 THE COURT: So then you take this new one and put it  
9 into the --

10 THE WITNESS: The old file, the sequence --

11 THE COURT: Called the C2 file?

12 THE WITNESS: The sequence that it was.

13 THE COURT: And substitute it for the one?

14 THE WITNESS: That is correct. You got it right on  
15 the nail.

16 I'll make her a technician.

17 THE COURT: In my next life.

18 THE WITNESS: Okay. You can have my job. I've had  
19 enough of this.

20 MR. RICHENTHAL: Your Honor, may I take the  
21 prescriptions back?

22 THE COURT: Please.

23 BY MR. RICHENTHAL:

24 Q. Mr. Goloff, I'm going to bring back to you the set that you  
25 took, okay?

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Goloff - direct.

1 A. Yes, sir.

2 Q. Now, you just used as an example a prescription marked 986.  
3 That's an example you just used, okay?

4 A. Yeah. It's right here.

5 Q. Let's just go with your example. You're holding in your  
6 hand a prescription that's 986 --

7 A. Yes, sir.

8 Q. -- in your right hand?

9 A. Yes.

10 Q. Is that the original prescription, Mr. Goloff, or a new  
11 one?

12 A. This is the original that the doctor H wrote for himself.

13 Q. How do you know that?

14 A. That's my memory. I'm looking at it. Has his name. The  
15 prescription pad says, Craig Hancheck, and the patient says  
16 Craig Hancheck.

17 Q. I'm going to bring you the set back. On the top, can you  
18 compare the prescription number to the top prescription in the  
19 set?

20 A. Yes, correct.

21 Q. How do they match, Mr. Goloff, if they do?

22 A. Yes, they do.

23 Q. They're the same number?

24 A. Yes, sir.

25 Q. Which one is the real one?

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Goloff - direct.

1 A. The real one?

2 MR. FREEMAN: Objection to the form of the question.

3 THE COURT: Which is the first one?

4 Q. Which is the real one?

5 A. This is the first one.

6 Q. In your right hand?

7 A. Yes.

8 Q. Who wrote -- we'll start over.

9 Mr. Goloff, you have two sets of prescriptions. They  
10 both are marked 986, correct?

11 A. Correct.

12 Q. Which one was the original?

13 A. One in my right hand.

14 Q. In your right hand, sir, who wrote that prescription?

15 A. Dr. H.

16 Q. In your left hand do you have another prescription with the  
17 same number?

18 A. Yes.

19 Q. According to that piece of paper, who wrote that  
20 prescription?

21 A. According to the paper, Dr. Cochran.

22 Q. Was that true?

23 A. No.

24 MR. FREEMAN: Objection.

25 MR. RICHENTHAL: He has personal knowledge.



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Goloff - direct.

1 Q. What's the date, Mr. Goloff, of the original prescription?

2 A. 5/3/11.

3 Q. That's May 2011?

4 A. Right.

5 Q. The prescription in your left hand with the same number,  
6 were you handed that in 2011 or 2012?

7 A. No.

8 Q. Mr. Goloff, the one in your left hand that says  
9 Dr. Cochran --

10 A. Right.

11 Q. -- were you handed that in 2011 or in 2012?

12 A. 2011.

13 Q. Mr. Goloff, let's break it down.

14 A. It has -- all right.

15 Q. I'm not asking you what it says. I want to know when you  
16 were handed the piece of paper in your left hand.

17 A. Oh, that piece of paper, was it on that date? No.

18 Q. Right.

19 A. It wasn't on May 16th of 2011.

20 Q. Was it in 2011 at all?

21 A. Yes, it was.

22 Q. Was it after the inspection in 2012?

23 A. It was after the inspection.

24 Q. So let's go piece by piece.

25 A. Oh. I know what you're talking about now. Yeah.

F58elas3

Goloff - direct.

1 Q. I want to be --

2 A. This prescription --

3 Q. Mr. Goloff, hold on. We're going to take small steps.

4 A. I understand. Okay.

5 Q. All right? Let's start again.

6 You have a prescription in your right hand?

7 A. Right.

8 Q. You testified it's from May 2011?

9 A. Mm-mm.

10 Q. Yes?

11 A. That has May 3, 2011.

12 Q. So May 2011?

13 A. Right.

14 Q. In your left hand you have a prescription with the same  
15 prescription number, is that correct?

16 A. Correct.

17 Q. I'm not asking you what it says on there. I just want to  
18 know, the one in your left hand, were you handed that in  
19 May 2011?

20 A. No.

21 Q. You were handed that in 2012?

22 A. Correct.

23 Q. After the inspection?

24 A. Correct. There you go.

25 Q. Do the prescription numbers match --

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Goloff - direct.

1 A. Yes, sir.

2 Q. -- on the prescriptions?

3 A. Yes, sir.

4 Q. Now, I want to show you -- you can put those down,  
5 Mr. Goloff.

6 I want to walk up to you Government Exhibit 1045.  
7 These are just photocopies?

8 A. Sure.

9 Q. Just leaf through it. Tell me if you recognize the  
10 photocopies. I don't want you to tell me everything that's on  
11 them. I just want to know, do you recognize what they are?

12 A. Yes, they are -- I do.

13 Q. What are they, Mr. Goloff?

14 A. They're prescriptions.

15 Q. Well, let's be a little more precise. Which prescriptions,  
16 Mr. --

17 A. From opium -- tincture of opium from Dr. Cochran.

18 Q. Are these photocopies of prescriptions you were handed?

19 A. No. These are copies that we made.

20 Q. Let me be more precise.

21 A. I'm the one who made the copies.

22 Q. Are these photocopies of prescriptions you were handed in  
23 2012 after the inspection?

24 A. Yes.

25 MR. RICHENTHAL: The government offers 1045.

F58elas3

Goloff - direct.

1 THE COURT: Mr. Freeman, there's --

2 MR. FREEMAN: One second. No objection.

3 THE COURT: Received.

4 (Government's Exhibit 1045 received in evidence)

5 MR. RICHENTHAL: Ms. Chen, could you put 1045 up,  
6 please. Could you turn to the prescription for May 2011, I  
7 guess the fourth -- number 986 specifically.

8 BY MR. RICHENTHAL:

9 Q. Mr. Goloff, a few moments ago I asked you some questions  
10 about prescription 986. Do you recall that?

11 A. Yes, I do.

12 Q. Is this a copy, just a scan, of the same prescription you  
13 were holding in one of your hands?

14 A. This is a copy of this one, yes.

15 MR. RICHENTHAL: Ms. Chen, can you put up 1046.

16 Q. Mr. Goloff, on your screen now do you see two  
17 prescriptions?

18 A. Yes, I do.

19 Q. Are they both number 986?

20 A. They are both 986, but there was two different prescription  
21 pads.

22 Q. That's what I want to ask you, Mr. Goloff. You were  
23 answering some questions about prescription 986.

24 A. Correct.

25 Q. You're referring to one in your left hand and one in your

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Goloff - direct.

1 right hand. Are these the two that you were referring to, just  
2 copies, are these copies of the two you were referring to?

3 A. Yes, they're copies. They're the copies of the original --  
4 the prescriptions that are in hard copies. Because it has the  
5 weight, and you see the legal, that's --

6 Q. Now, the one on your left, Mr. Goloff --

7 A. Yes.

8 Q. -- that has the prescriber as Eric Cochran?

9 A. Right.

10 Q. Is that the one that you got in 2012?

11 A. That's -- yes.

12 Q. Can you direct the jury to where to find number 986.

13 A. On the left-hand corner on the bottom, right there. That's  
14 the number 986.

15 Q. Is that a sticker, Mr. Goloff?

16 A. That's the sticker I was referring to that we put on each  
17 prescription, nonnarcotic and narcotic.

18 Q. Now, the one on the right?

19 A. Right.

20 Q. Do you have that original with you, Mr. Goloff?

21 A. Yes, I do. That's the one we were talking about earlier.

22 Q. Where, if anywhere, is the label or sticker on the  
23 original?

24 A. It's on the back.

25 MR. RICHENTHAL: Ms. Chen, could you go to the next

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Goloff - direct.

1 page, the one on the right.

2 Q. Is that now on your screen, Mr. Goloff?

3 A. Yes, sir.

4 Q. Is that the back of what you're holding?

5 A. Yes, sir.

6 Q. Where is the 986 there?

7 A. There's two of them. There's one on the top, one on the  
8 bottom. These two right here.

9 Q. Are they the ones that are highlighted now?

10 A. Yes, sir. Well, that's -- on the top one is a receipt  
11 label that we have highlighted. The second two labels were the  
12 auxiliary label that we put on the scripts that were filled.

13 Q. Mr. Goloff, you said the "receipt label." Is that because  
14 the customer was, in fact, given the prescription?

15 A. At that time, no, they probably -- we put it on hold until  
16 we came in to pay for it.

17 Q. I just was pausing you.

18 A. All right.

19 Q. The one on the right had a receipt?

20 A. Yeah. The receipt's on the top. Yeah. That's the receipt  
21 label, usually goes on the back.

22 Q. Is that because the one on the right is the one that was,  
23 in fact, dispensed in May 2012?

24 A. Right.

25 Q. That's correct?

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Goloff - direct.

1 A. Yes.

2 MR. RICHENTHAL: Could I have a moment, your Honor.

3 Q. Mr. Goloff, are you familiar with the term fill date?

4 A. Yes.

5 Q. What is the fill date?

6 A. That's the exact date that we -- the date we dispensed the  
7 medication.

8 Q. That's the date it's literally filled?

9 A. Right.

10 Q. Sticking with the prescription on the right, do you still  
11 have that on your screen, Mr. Goloff?

12 A. Yeah. I'm looking at it on the screen.

13 Q. What's the fill date of the original prescription?

14 A. 5/16/11.

15 Q. May 16, 2011?

16 A. Correct.

17 Q. Now, could you look at the prescription on the left.

18 A. Right.

19 Q. The new one. What's the date?

20 A. The written date or the date filled?

21 Q. Either.

22 A. The date filled was 5/16, but the written date is different  
23 than the original one.

24 Q. One at a time. What's the date, 5/16?

25 A. 5/16 that was filled -- you're asking me the fill date, not

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Goloff - direct.

1 the written date, correct?

2 Q. Asking for the fill date.

3 A. 5/16.

4 Q. Do they match?

5 A. Yes.

6 MR. RICHENTHAL: Ms. Chen, can you highlight the fill  
7 date, please.

8 A. It's highlighted now.

9 Q. Is it now highlighted, Mr. Goloff?

10 A. Yes. That is correct, sir.

11 Q. Just for clarity, on the left there's now two things  
12 highlighted. The prescription number, yes?

13 A. Yes, sir.

14 Q. And the fill date?

15 A. Correct.

16 Q. How do those two things compare to the prescription on the  
17 right?

18 A. Well, if you turn it the other way around, that's the same  
19 thing. On the fill date, the fill date and the number is the  
20 same thing.

21 Q. They match?

22 A. Yes, sir.

23 Q. Now, Mr. Goloff, do you see to the right of the number two  
24 letters, SG?

25 A. Yes, I do.



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Goloff - direct.

1 Q. Do you know what those mean?

2 A. That's my initials, the pharmacist that filled it.

3 Q. The pharmacist who filled it?

4 A. Correct.

5 Q. Now, you testified earlier that you were not the only  
6 pharmacist who filled opium tincture for Dr. H. Do you recall  
7 that?

8 A. Yes, I do.

9 Q. What, if anything, was done to ensure that the new  
10 prescriptions matched the pharmacist that had filled the old  
11 prescriptions?

12 A. You would have to change the initials of the pharmacist on  
13 the computer.

14 Q. From SG to the initials of the person who, in fact, filled  
15 it?

16 A. That is correct, sir.

17 Q. Was Dan Geiger a pharmacist who filled at least one of the  
18 prescriptions?

19 A. Yes, he was, sir.

20 Q. For Dr. H?

21 A. That's correct.

22 Q. So his initials would be DG?

23 A. That is correct.

24 Q. Now, would you and Ms. Lasher work to create these labels?

25 A. The ones you're producing now on the screen?

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Goloff - direct.

1 Q. Yes, sir.

2 A. I was the one who sort of worked. She was helping me out,  
3 putting the stickers on.

4 Q. She was helping you out?

5 A. Yes.

6 Q. You were helping her?

7 A. Correct.

8 Q. Was an effort made to say DG, not SG?

9 A. Yes, we did.

10 Q. Why?

11 A. Because I wasn't the one filling the prescription at that  
12 date, the original date, yes.

13 Q. So it had to match the original?

14 A. That is correct, sir.

15 MR. RICHENTHAL: You can take those off the screen.

16 Q. Did there come a time after what we've been talking about  
17 when Ms. Lasher was arrested?

18 A. Yes.

19 Q. Soon after that did she instruct you to do anything?

20 A. She asked me and other employees to write a letter in good  
21 faith expressing her pharmacy ethics and liability as a good  
22 employer, good faith amendment -- good faith letter about her.

23 Q. What, if anything, did she say your agreeing to write this  
24 letter would demonstrate?

25 A. Who's on her side and who's with her.

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Goloff - direct.

1 Q. Did you agree to write the letter?

2 A. Yes, I did.

3 Q. Why?

4 A. Because I thought I'd be losing a position.

5 Q. Did she tell you to send the letter directly to anyone  
6 other than herself?

7 A. No.

8 Q. She told you to give it to her?

9 A. Correct.

10 Q. I want to show you what's been marked for identification as  
11 Government Exhibit 3003. Do you recognize that, Mr. Goloff?

12 A. Yes, I do.

13 Q. What is that?

14 A. It's a letter I sent out that she wanted me to propose what  
15 I was just talking about.

16 Q. Was this the draft of the letter she asked you to write?

17 A. This is my own words. She didn't express to me how to  
18 write it. Just expressed to me about the content.

19 Q. Let me break those into two pieces.

20 A. Sure.

21 Q. She said express to you about the content. You mean she  
22 told you the facts, content?

23 A. No. She just told me what ideas I should write.

24 Q. What ideas you should write?

25 A. Yeah.

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Goloff - direct.

1 Q. She wanted it in your own words?

2 A. Of course, which I did.

3 Q. Did you put her ideas in your words? Excuse me. Did you  
4 put her ideas in your words?

5 A. I just put -- no.

6 Q. Let me back up.

7 A. I'm sorry.

8 Q. She wanted you to express certain things, is that right?

9 A. Correct.

10 Q. But in your own words?

11 A. Right.

12 Q. Did you do that in the piece of paper you're holding? Did  
13 you do what you were told?

14 A. Yes. I did what I was told.

15 MR. RICHENTHAL: The government offers 3003.

16 MR. FREEMAN: No objection.

17 THE COURT: Received.

18 (Government's Exhibit 3003 received in evidence)

19 BY MR. RICHENTHAL:

20 Q. Approximately when did this happen, Mr. Goloff?

21 A. About two days after the arrest maybe. I'm not sure exact  
22 date, approximately.

23 Q. Mr. Goloff, I'm going to show you something. I don't want  
24 you to read it aloud.

25 A. Sure.

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Goloff - direct.

1 Q. I just want you to look at it, and then look up when you're  
2 done. Let me know if that refreshes your memory as the  
3 approximate date Ms. Lasher instructed to you write this  
4 letter.

5 A. (Pause)

6 Q. I'm going to ask you to look at the bottom, but, again,  
7 just look silently. Look up when you're done.

8 A. All right.

9 Q. Does that refresh your memory as to the approximate date  
10 Ms. Lasher asked you to write this letter?

11 A. Yes.

12 Q. What date, Mr. Goloff?

13 A. Well, here it says December.

14 Q. Mr. Goloff, I'm not asking you what it says. I want to  
15 know, does this refresh your memory? Does this help you  
16 remember when it happened?

17 A. Yes.

18 Q. When did it happen?

19 A. The day she told me to write the letter.

20 Q. When was that, Mr. Goloff?

21 A. December 3rd.

22 Q. Of 2012?

23 A. Right.

24 Q. I'm going to take that back from you.

25 Now, I believe that -- let me back up for a second.

F58elas3

Goloff - direct.

1 Can we go to 3003. Actually, may we publish 3003, your Honor.

2 I don't think I asked that.

3 THE COURT: I don't think you did.

4 MR. RICHENTHAL: May we do so?

5 THE COURT: Sure.

6 BY MR. RICHENTHAL:

7 Q. This is your letter, Mr. Goloff?

8 A. Yes, it is.

9 Q. This is unsigned. Did you also sign a copy?

10 A. Yes, I did.

11 Q. Where did you put the signed copy?

12 A. On her desk.

13 Q. Whose desk?

14 A. Lena Lasher's desk.

15 Q. Now, Mr. Goloff, I want to direct you to the sentence that  
16 says, she's always been very kind, understanding and caring.

17 At the time you wrote this, Mr. Goloff, did you feel  
18 those things?

19 A. No.

20 Q. Now, the next line, as a pharmacist, she's a very  
21 professional person.

22 At the time you wrote this, Mr. Goloff, did you agree  
23 with that?

24 A. No.

25 Q. Next line, Lena has followed all state and federal laws I

F58elas3

Goloff - direct.

1 know of to an accurate degree.

2 At the time you wrote that, Mr. Goloff, did you  
3 believe that?

4 A. No.

5 Q. Why did you sign this letter, Mr. Goloff?

6 A. To protect my position there so I could have a position at  
7 the moment. I wouldn't get reprimanded or repercussions would  
8 occur.

9 MR. RICHENTHAL: You can take it off the screen,  
10 Ms. Chen.

11 Q. Mr. Goloff, do you know an individual named Amber Hibbler?

12 A. Yes.

13 Q. Or Amber Sosa?

14 A. Yes.

15 Q. Is that the same person?

16 A. Yes. I think she got married.

17 Q. Was she present when Ms. Lasher told you to write this  
18 letter?

19 A. Yes, she was. I remember that.

20 Q. Did Ms. Lasher give her any instruction at that time?

21 A. The same.

22 MR. FREEMAN: Objection.

23 Q. Mr. Goloff, were you present for this?

24 A. Yes.

25 Q. Did you hear Ms. Lasher give Ms. Hibbler an instruction?

F58elas3

Goloff - direct.

1 A. Yes.

2 Q. What was the instruction?

3 A. To write a letter like I did. We were in the same room at  
4 the same time.

5 Q. How did Ms. Hibbler react?

6 A. Very upset about it afterwards.

7 Q. After you wrote the letter, did there come a time when you  
8 began to meet with the United States Attorney's Office?

9 A. Yes, sir.

10 Q. Did you also provide materials to the Drug Enforcement  
11 Administration?

12 A. Yes, sir.

13 Q. DEA?

14 A. Yes, sir.

15 Q. Did there come a time after that when you learned a  
16 complaint had been filed against you with the Commonwealth of  
17 Pennsylvania?

18 A. Six months later.

19 Q. How did you learn a complaint had been filed against you?

20 A. An inspector came to my door and presented me with --

21 MR. FREEMAN: Objection to what the --

22 THE COURT: Inspector -- physical description.

23 Q. Mr. Goloff, what did you see? What happened?

24 A. I saw the complaints in writing about myself.

25 Q. At your door?



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Goloff - direct.

1 A. In my home.

2 Q. Who showed that to you?

3 A. The inspector.

4 Q. From where?

5 A. Pennsylvania State of Professional Affairs, Complaint  
6 Division.

7 Q. I'm not going to ask you the details, but did you see the  
8 allegations in the complaint?

9 A. Yes, sir.

10 Q. Were the allegations connected to your time at Hellertown  
11 or Hellertown Pharmacies?

12 A. Yes, sir.

13 Q. Who did you understand to have filed the complaint?

14 A. Lena Lasher.

15 Q. What effect did that have on you?

16 A. Very upset, disgruntled.

17 Q. What's your understanding of what happened in the  
18 complaint?

19 A. About a month -- or a year later, the charge, one of the  
20 charges was dropped and the whole thing was dropped. Just a  
21 warning. Nothing was reprimanded against my license. No  
22 punishment, no criminal action or anything like that.

23 Q. To your understanding was that complaint done with?

24 A. Hopefully, yes. As far as I know, it's done, yes.

25 Q. Now, Mr. Goloff, I want to talk about one allegation.

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Goloff - direct.

1 A. Sure.

2 Q. Did one of the allegations in the complaint involve you  
3 providing a tablet of Fioricet to someone?

4 A. That is correct, sir.

5 Q. What was the allegation, Mr. Goloff?

6 A. That I presented the -- I gave the patient -- technician a  
7 prescription drug without a prescription, one pill, because she  
8 had a severe headache and she told me she was on it.

9 Q. You said the allegation was that you gave a technician one  
10 pill of Fioricet?

11 A. Correct.

12 Q. And the technician didn't have a prescription?

13 A. That is correct.

14 Q. In response to a request that the technician wanted it for  
15 a headache?

16 A. Correct.

17 Q. Was that allegation true, Mr. Goloff?

18 A. Yes, it is true.

19 Q. You did that?

20 A. I did it physically. Did it, honest, to be honest.

21 Q. Why did you do that?

22 A. Because she was nagging me to death, and I can't say no to  
23 this certain person.

24 Q. Had you ever done that before; that is, given any  
25 technician --

F58elas3

Goloff - direct.

1 A. No.

2 Q. -- a drug without prescription?

3 A. No.

4 Q. Did you tell anyone you'd done it afterwards?

5 A. Yes, I did.

6 Q. Who did you tell?

7 A. Ms. Lasher.

8 Q. Have you done anything else over your time as a pharmacist  
9 that wasn't proper?

10 A. Yes.

11 Q. What did you do, Mr. Goloff?

12 A. I had to take medication for my wife, who was suffering  
13 pain, endometriosis. In between her regular physician's  
14 visits, she did not get to the doctor. So I had to take some  
15 pills from my position and help her ease her pain. She was in  
16 chronic pain condition and severe pain.

17 Q. When did you do that, Mr. Goloff?

18 A. Sixteen --

19 Q. Approximately.

20 A. Sixteen years ago.

21 Q. Did you pay for those pills, Mr. Goloff?

22 A. No.

23 Q. Why not?

24 A. I forgot. I didn't -- at the time it was trying to get the  
25 pills to her, and I had -- it was a rush to get them to her.

F58elas3

Goloff - direct.

1 Q. Did you pay the pharmacy back for them?

2 A. Yes, I did, direct. Paid back the fine and the pill -- the  
3 cost of the medication.

4 Q. Have you ever not paid for other pills?

5 A. One for myself. I was rushed out -- they wanted to close  
6 the store. I didn't have time to pay for it. My wife was in  
7 critical condition. She almost died. She had a blood  
8 transfusion. And I had to get my own medication out, and they  
9 just caught me without paying for it. And then all this other  
10 accusations came back about her medicines. I had to confess to  
11 that.

12 Q. Let's just be clear. When you were caught, did you tell  
13 them what you'd done?

14 A. Yes.

15 Q. Did you pay them back?

16 A. Yes, sir.

17 Q. Have you ever not paid for anything else?

18 A. There was a time of my -- my pets had severe lice -- not  
19 lice, flea problem. And I took medicine for that from two  
20 different chain stores. I wrote a note I was going to pay it  
21 back. The note disappeared. The loss prevention people got  
22 wind of it, and I said I would pay back. And they didn't want  
23 me to do that. I paid them back. They didn't want me to  
24 continue working there.

25 Q. What did you take, Mr. Goloff?

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Goloff - direct.

1 A. It was for Frontline. It was for fleas.

2 Q. Why did you pay for that?

3 A. I didn't have the money at that time, and I was desperate.

4 I was in desperate need to fix these animals. They were really  
5 sentimental to me because my wife left -- died that year, and I  
6 wanted to keep them going -- alive.

7 Q. Did you pay the pharmacy back after that?

8 A. Yes, I did.

9 Q. Now, Mr. Goloff, did you volunteer to testify today or were  
10 you subpoenaed?

11 A. I was subpoenaed.

12 Q. Are you testifying under any kind of agreement?

13 A. Yes. It was an agreement of -- nonprosecution agreement  
14 from the attorney -- from the US government.

15 Q. What's your understanding of what that agreement is?

16 A. It would -- I wouldn't be -- anything I say won't be  
17 charged against me, according to activities at Hellertown  
18 Pharmacy and the medication I dispensed to the technician, and  
19 the cover me with the letter I sent to the state board.

20 Q. Let's just be precise, Mr. Goloff. There's three subjects  
21 what you did at the pharmacies.

22 A. Correct.

23 Q. The letter to Pennsylvania --

24 A. Right.

25 Q. -- you testified about. And the tablet of Fioricet?

F58elas3

Goloff - direct.

1 A. That is correct. That's what's in the agreement, my copy.

2 Q. Anything else?

3 A. No.

4 Q. What did you agree to do in return, if anything?

5 A. Give the government actual facts, exact dates and stuff and  
6 cooperate with them with the investigation.

7 Q. Does the agreement require you to be honest?

8 A. Yes.

9 Q. About Ms. Lasher?

10 A. Yes.

11 Q. About yourself?

12 A. Yes.

13 Q. About anything you've been asked today?

14 A. Yes.

15 Q. About anything Mr. Freeman asks you?

16 A. Yes.

17 Q. About anything I may ask you, if I choose to ask you more  
18 questions?

19 A. Sure.

20 Q. Does the agreement protect you if you lie in response to  
21 any question?

22 A. No.

23 Q. Does it protect you if you provide misleading testimony --

24 A. No.

25 Q. -- in response to any question?

F58elas3

Goloff - direct.

1 A. Not at all.

2 Q. Does it protect you only if Ms. Lasher is convicted?

3 A. No.

4 Q. Mr. Goloff, I've shown you a bunch of different things  
5 before the break and after the break. Other than what I've  
6 shown you, do you know what evidence is being introduced in  
7 this trial?

8 A. Yes.

9 Q. How do you know that, Mr. Goloff?

10 A. You showed me before some of the evidence. I was going  
11 over it with you.

12 Q. Let's be precise.

13 A. I'm not sure what you're asking me.

14 Q. I'll do better. I'll ask you a better question.

15 Before you testified today were you shown some  
16 materials?

17 A. Yes, sir.

18 Q. Were those the materials you're talking about?

19 A. Yes, sir.

20 Q. Then in court today were you shown some materials?

21 A. Yes.

22 Q. So there was two sets of materials?

23 A. Right.

24 Q. Other than those materials, do you know what evidence the  
25 government has, if any?

F58elas3

Goloff - direct.

1 A. No.

2 Q. Beyond that?

3 A. Not to my knowledge. The only ones you showed me and the  
4 ones in court.

5 Q. Now, other than what I've shown you in court, do you know  
6 what evidence has been shown to this jury?

7 A. Just today. Those prescriptions.

8 Q. Just what I've shown you?

9 A. Yes, correct.

10 MR. RICHENTHAL: Could we have a moment, your Honor.

11 THE COURT: Yes. (Pause)

12 MR. RICHENTHAL: Thank you, Mr. Goloff. No further  
13 questions.

14 THE WITNESS: You're welcome.

15 THE COURT: Stay. Mr. Freeman gets to ask.

16 THE WITNESS: I know, I know. I've seen this on TV.

17 THE COURT: This is the fun part.

18 THE WITNESS: I know, unfortunately. I plead the  
19 Fifth. That's a joke.

20 CROSS EXAMINATION

21 BY MR. FREEMAN:

22 Q. Just tell me when you're ready.

23 A. I'm ready, any time.

24 Q. Okay. Me, too. Mr. Goloff?

25 A. Yes.



F58elas3

Goloff - cross

1 Q. You testified that Lena Lasher asked you to write a letter,  
2 correct?

3 A. Correct. To who? I wrote several letters.

4 THE COURT: You know what, it would be so much better  
5 if you just listen to Mr. Freeman's questions and only answer  
6 what he asks you. Don't speak, if there's no question pending.

7 THE WITNESS: All right, fine.

8 MR. FREEMAN: Thank you, Judge. Let's see how we do.

9 THE COURT: All right.

10 BY MR. FREEMAN:

11 Q. Ms. Lasher asked you to write a letter endorsing her good  
12 faith?

13 A. Correct.

14 Q. And she asked you to write the letter?

15 A. Yes.

16 Q. And you testified here today that you wrote it because you  
17 were afraid of losing hours?

18 A. Correct.

19 Q. Did Ms. Lasher ever cut your hours?

20 A. Yes.

21 Q. When?

22 A. A few months ago. Couple months ago.

23 Q. You don't mean to --

24 A. I don't know exact date.

25 Q. And how many hours did she cut?

F58elas3

Goloff - cross

1 A. Ten.

2 Q. What was it for?

3 A. Not listening to her. Other things I don't remember.

4 Q. And when you wrote the letter endorsing her good faith,  
5 she'd already been arrested, correct?

6 A. Yes. When that -- when I wrote the good faith letter, she  
7 was arrested and she was on bail.

8 Q. And you thought that she had the ability to cut your hours?

9 A. Yes.

10 Q. Do you know who Peter Riccio is?

11 A. Yes, I do.

12 Q. He's the owner, right?

13 A. Correct.

14 Q. He's the real boss, right?

15 A. To my knowledge, no. She said she's the boss of the  
16 pharmacy.

17 Q. She said she's the boss of the pharmacy?

18 A. Right.

19 Q. In fact, she said to you on one occasion that she was an  
20 owner, right?

21 A. That is correct.

22 Q. And then she changed it and told you she's just a  
23 supervisor, right?

24 A. That's correct.

25 Q. How long have you been a pharmacist?

F58elas3

Goloff - cross

1 A. Since '75.

2 Q. And you've worked a lot of places?

3 A. Yeah. That's correct, sir.

4 Q. Were you afraid of Lena Lasher?

5 A. When?

6 Q. At any time.

7 A. Yes.

8 Q. Because she was going to cut your hours?

9 A. Correct.

10 Q. You were a pharmacist who was also in charge of the  
11 pharmacy when you worked there, correct?

12 A. No, I wasn't in charge.

13 Q. What about when Lena Lasher wasn't there?

14 A. I was -- I was present as the pharmacist in charge, but I  
15 wasn't as a supervisor, as it was following out policies of  
16 Lena Lasher.

17 Q. What about when you were there and she wasn't there and  
18 there were techs there? Who was giving the instructions then?

19 A. I was, through her instructions. I was following her  
20 orders through me.

21 Q. On the day-to-day basis, when she's not in the pharmacy and  
22 you're there, you're in the pharmacy and there are people under  
23 you as pharmacy techs, who's telling them what to do?

24 A. Lena is, through me.

25 Q. So you're just a puppet?

F58elas3

Goloff - cross

1 A. That's correct, sir.

2 Q. You saw the people in the back of the pharmacy, Hellertown  
3 Pharmacy, putting together envelopes to send to people around  
4 the country?

5 A. That is correct.

6 Q. And did that bother you?

7 A. It bothered me because why are they getting this certain  
8 type of medicine after customers?

9 Q. So what did you do about it?

10 A. Nothing really. It's part of the job. I just went through  
11 it.

12 Q. When you started working at Hellertown Pharmacy, you  
13 testified that Lena Lasher interviewed you?

14 A. Yes.

15 Q. Isn't it also true that you interviewed with Riccio?

16 A. That is correct.

17 Q. You didn't mention that on direct examination, did you?

18 A. You're right. It was a --

19 Q. And didn't Riccio --

20 MR. RICHENTHAL: Your Honor, Mr. Goloff should be  
21 permitted to finish his answer. He was literally in the middle  
22 of a sentence.

23 THE COURT: Just finish.

24 THE WITNESS: When I was interviewed by Mrs. Lasher,  
25 she sat me down in a chair and through a video -- through an

F58elas3

Goloff - cross

1 Internet -- through the camera, Mr. Riccio got on the phone and  
2 just looked at me and asked me a couple questions. It wasn't  
3 really an interview -- you know, how old am I? Can I do this?  
4 That was it.

5 Q. Do you know who made the final decision?

6 A. No, I don't.

7 Q. Have you ever met Riccio in person?

8 A. Yes, sir.

9 Q. And didn't you describe him as somebody who yelled a lot?

10 A. He was very verbal.

11 Q. But did he raise his voice?

12 A. Yes.

13 Q. Who did he raise his voice at?

14 A. To technicians and me.

15 Q. And also Lena Lasher, correct?

16 A. Yeah, that is correct. I heard a friend. Conversation by  
17 my end, not her end.

18 MR. RICHENTHAL: Your Honor, I think Mr. Goloff is  
19 saying he only heard one side of the conversation.

20 THE WITNESS: That is correct.

21 MR. RICHENTHAL: And he may be assuming what happened  
22 on the other side.

23 Q. But you heard Riccio raise his voice talking to Lasher?

24 A. Yes, I did.

25 Q. And to techs and to pharmacists?

F58elas3

Goloff - cross

1 A. Yes, sir.

2 Q. Do you know Carl Riccio?

3 A. Yes, I do.

4 Q. Did you meet him?

5 A. Yes. He came to the store several times.

6 Q. And wasn't he the manager of the stores?

7 A. No.

8 Q. What was his role?

9 A. As far as I knew, he was just a lawyer for the corporation.

10 Q. Riccio's corporation?

11 A. Yeah, Riccio's corporation.

12 Q. And who was Sandra Arnao?

13 A. She was a technician from Towne Pharmacy.

14 Q. Was she in charge of anything?

15 A. Not to my knowledge, it --

16 Q. Wasn't she --

17 MR. RICHENTHAL: Your Honor, Mr. Goloff was, again, in  
18 the middle of a sentence.

19 THE COURT: The question was: Was she in charge of  
20 anything? And you said no?

21 THE WITNESS: No, not at all.

22 Q. Was there anything else you wanted to add?

23 A. Well, Mrs. Sandra used to give out -- come to our store  
24 from Towne and give orders that technicians have to work the  
25 system better, faster. And she was like, I don't know, what

F58elas3

Goloff - cross

1 you call henchman or something like that, in terms like that.

2 Q. A henchman?

3 A. You know, like a sergeant in arms, you know, to carry out  
4 orders. I don't know how to --

5 Q. So she was pushing people to work faster?

6 A. Correct, sir. And what orders to get out. She would come  
7 in like in a period of time, she would come in once a day with  
8 a group of people from Towne Pharmacy.

9 Q. And did you understand that she was getting her  
10 instructions from Riccio?

11 A. I -- I don't want to assume, but I don't -- I don't know  
12 exactly.

13 THE COURT: We don't do assuming.

14 THE WITNESS: Okay. That's correct. I don't know.

15 Q. But she was from which pharmacy?

16 A. Towne Pharmacy.

17 Q. And did you work in Towne Pharmacy?

18 A. Not at all.

19 Q. Did Riccio work in Towne Pharmacy?

20 A. Not to my knowledge.

21 Q. Did he work in any of the pharmacies?

22 A. Not to my knowledge.

23 Q. You worked at Hellertown for approximately a year and a  
24 half?

25 A. That is correct, sir.

F58elas3

Goloff - cross

1 Q. And we were just talking about how you were hired?

2 A. Correct.

3 Q. And you were hired as a full-time pharmacist?

4 A. That is correct, sir.

5 Q. And regardless of what you called it when you were at  
6 Hellertown Pharmacy and Lena Lasher wasn't there, you were the  
7 pharmacist?

8 A. Yeah. At the day, yes.

9 Q. Correct?

10 A. Yes.

11 Q. And if something happened at the pharmacy, you would have  
12 to make a decision as to what to do?

13 A. Correct.

14 Q. And there were people packing envelopes of three kinds of  
15 medication in particular at Hellertown, correct?

16 A. Yes.

17 Q. And you knew about it?

18 A. Yes.

19 Q. And when you first started at Hellertown, did you feel  
20 comfortable being a pharmacist working there?

21 A. In the -- yeah, in the beginning I was. A little bit,  
22 for -- I got a position. You know, I was happy working at the  
23 store in general.

24 Q. Fair enough. You were happy working. But you were part of  
25 an Internet pharmacy or fulfillment center, correct?



F58elas3

Goloff - cross

1 A. Yes, correct.

2 Q. And when you were working there, at the beginning, you did  
3 not feel uncomfortable, correct?

4 A. I was a little uncomfortable with the type of medications  
5 that were being sent out, sir.

6 Q. At the very beginning?

7 A. Yes, sir.

8 Q. And who did you tell, if anyone?

9 A. I really didn't tell anybody.

10 Q. So is this a fair statement, that you didn't feel so  
11 uncomfortable that you had to tell anybody?

12 A. No.

13 Q. You didn't quit?

14 A. No.

15 Q. You didn't tell anybody. How long into the 18 months that  
16 you worked at Hellertown, how long did you feel  
17 uncomfortable -- well, withdrawn. Let me rephrase the  
18 question.

19 In the 18 months -- let's use it as a timeline -- how  
20 long before you started to feel slightly uncomfortable?

21 A. About three or four months in.

22 Q. Did your discomfort grow as time went on?

23 A. Yes, it had.

24 Q. So would it be fair to say nine months, you felt more  
25 uncomfortable than at three or four months?

F58elas3

Goloff - cross

1 A. Yes, fair to say.

2 Q. Did you quit?

3 A. No. I looked for other positions, but they fell through.

4 Q. Did you complain to anyone?

5 A. In particular pertaining to what?

6 Q. Well, about your discomfort.

7 A. Yeah. I talked to the technicians about it, and everybody  
8 was complaining. Wasn't just me. What you going to do?

9 Q. You weren't the only one that felt uncomfortable?

10 A. That is correct.

11 Q. Now, at this point are you feeling uncomfortable because of  
12 Lena Lasher's management style; was that fair to say?

13 A. No -- I was uncomfortable with her management style, yes.

14 Q. And were you also feeling uncomfortable because of the  
15 medication issue?

16 A. Yes.

17 Q. And when did you start looking for other work?

18 A. Constantly. I don't remember a date.

19 Q. Was your commute a substantial one to get to Hellertown?

20 A. It sure was.

21 Q. It was, wasn't it?

22 A. I would say so.

23 Q. And wasn't that a reason that you were looking for other  
24 work?

25 A. That is one of the reasons, yes.

F58elas3

Goloff - cross

1 Q. You testified that you were in the -- withdrawn.

2 Were you working mostly in the front with walk-ins or  
3 were you working mostly in the back with the online pharmacy?

4 A. Doing both, really. I mean, can't give you a percentage,  
5 but most of the time -- most of the -- part of the work, it's  
6 like 80, 90 percent, was Internet and walk-ins. I only did  
7 like ten or twelve a day. So when they came in, I did what I  
8 had, stopped checking orders from the back and came up and  
9 filled the people that walked in, the prescriptions. So that's  
10 a good majority of the time was in the back most of the time.

11 Q. These items here -- I'm holding one in my hand -- it's  
12 1035-1 -- is that called a tote?

13 A. That is correct, sir.

14 Q. Is that standard in the pharmacy industry to use a tote?

15 A. No.

16 Q. But --

17 A. Those totes came from the wholesaler that were -- purchased  
18 medication from the wholesaler shipped to us.

19 Q. So at the other pharmacies where you worked, they didn't  
20 have totes?

21 A. No. We never used a tote. We never are to do that. They  
22 weren't a tool to dispense medication.

23 Q. All right. So -- but you are familiar with a tote?

24 A. Yes, that -- that tote, the tote, yeah. But not for  
25 purpose, yes.

F58elas3

Goloff - cross

1 Q. It came from which wholesaler distributor?

2 A. McKesson pharmaceuticals.

3 Q. And was that -- McKesson is such a distributor?

4 A. That is what -- they're the biggest one in the country.

5 Q. And the instructions you were given were to fill these  
6 totes with medication?

7 A. That is correct.

8 Q. And the instructions you were given were to fill the  
9 medication so that when it was sent out, it was ready to go?

10 A. That is correct.

11 Q. Did you have occasion to inspect these totes or look into  
12 them?

13 A. Yes.

14 Q. And you did that?

15 A. Yes.

16 Q. To your knowledge, were empty manufacturers' bottles in  
17 each of the totes?

18 A. Yes, sir.

19 Q. And the reason the manufacturers' bottle was in the tote  
20 was so that you and other people in the pharmacy could know  
21 what kind of medication was in there?

22 A. That is correct.

23 Q. Including the expiration date, including the lot number --  
24 you don't have to look here. You can look at me.

25 A. I'm looking at you.

F58elas3

Goloff - cross

1 Q. Good. So, do you understand that the empty manufacturers'  
2 bottle had on it the expiration date, the lot number, the kind  
3 of medication, how much medication was in the original bottle,  
4 which was now empty?

5 A. Yeah. That bottle -- doesn't pertain to all those pills.  
6 It could mix/match. In other words, to fill one tote, we could  
7 use multiple empty bottles. Multiple empty bottles might have  
8 different expiration dates on them.

9 (Continued on next page)

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F58sLAS4

Goloff - cross

1 BY MR. FREEMAN:

2 Q. It might?

3 A. Yes.

4 Q. But it also might be the case that all the medication in  
5 this particular tote has the same lot number and the same  
6 expiration date?

7 A. Not all of it, no.

8 Q. It's impossible?

9 A. That technically is impossible.

10 Q. Technically?

11 A. Yes, because if you took -- to fill up that tote, let's say  
12 we need five bottles. Now five bottles, we might have the  
13 same, depends on how we --

14 Q. That's just what I said. I asked you --

15 A. Yeah.

16 Q. -- if it is possible, if you need five manufacturer's  
17 bottles --

18 A. Right.

19 Q. -- and they have all the same lot numbers, all the same  
20 expiration dates, all the same medication, if you use the same  
21 five, then all the medication in the tote is going to be the  
22 same?

23 A. That's correct.

24 Q. At any time while you were working at Hellertown, was there  
25 also a piece of paper --

F58sLAS4

Goloff - cross

1 A. Yes, there was.

2 THE COURT: Let him finish the question.

3 THE WITNESS: I thought he was done.

4 THE COURT: Put a piece of paper in the sky?

5 THE WITNESS: No.

6 BY MR. FREEMAN:

7 Q. Was there a piece of paper in the tote?

8 A. Yes, sir.

9 Q. And do you recall as you sit here what was on the piece of  
10 paper?

11 A. Yes, sir.

12 Q. Tell me.

13 A. The technician's initials, pharmacist's initials,  
14 expiration date, the date of the bottle, and sometimes, down  
15 the road, a lot number, and the date that the tote was  
16 prepared.

17 Q. You just said sometimes the lot numbers. How was it  
18 determined whether the lot number was on that piece of paper or  
19 not?

20 A. We started not doing it, then we determined it would be  
21 more accurate to put lot number on there.

22 Q. Who is "we?"

23 A. The technicians and everybody else.

24 Q. Including you?

25 A. Yes, including me.

F58sLAS4

Goloff - cross

1 Q. You said that you had been a pharmacist since 1970  
2 something?

3 A. Right.

4 Q. Before we determined -- I am quoting you now -- we  
5 determined it would be more accurate to put the information on  
6 the piece of paper, did you instruct the techs to do that, to  
7 use the same medication for the entire tote?

8 A. No.

9 Q. You did not?

10 A. Say that again? I'm not too clear what you're saying.

11 Q. You just testified a moment ago that we -- you said we --  
12 we determined that it would be more accurate if the paper that  
13 was in the tote contained more information?

14 A. That is correct, right.

15 Q. I am asking you, did you instruct the technicians to do  
16 that at any time while you worked at Hellertown?

17 A. Yes, I did.

18 Q. Did they listen to you?

19 A. Not all the time.

20 Q. Was it something that you thought was important to do?

21 A. Yes, sir.

22 Q. Did you write your initials on the totes that you  
23 inspected?

24 A. We never put initials on the totes, on the outside, no.

25 Q. How about on the piece of paper?



F58sLAS4

Goloff - cross

1 A. On the piece of paper, I did, yes.

2 Q. Why did you do that?

3 A. Because it could be accountable. We wanted accountability.

4 Q. Did you tell the techs to put their initials?

5 A. Whoever prepared that tote, yes.

6 Q. Was the pharmacist supposed to inspect the tote?

7 A. Yes. That's correct.

8 Q. Did you inspect the totes?

9 A. Yes, I did.

10 Q. Did you take bottles out? Did you take individual vials  
11 out and look at them?

12 A. Sometimes.

13 Q. What was the purpose of that?

14 A. Just to see if they looked like they were counted right,  
15 quote-unquote.

16 Q. Did you count any of the vials?

17 A. No. The pills in the vials or the vials itself?

18 Q. Yes, the pills.

19 A. No.

20 Q. Do you know how to count pills?

21 A. Yes. Yes, I do.

22 Q. Well, you're a pharmacist, right? Did you ever use a  
23 counting machine?

24 A. Yes, I did.

25 Q. In fact, you testified earlier today that you have one

F58sLAS4

Goloff - cross

1 where you work now?

2 A. I don't have one where I work now. In previous positions,  
3 we had a counting machine. It was a previous -- it was a  
4 couple of chains I worked for. They had a robot and they had  
5 an electronic counter.

6 Q. Did you make a suggestion that Hellertown should get a  
7 counting machine, a count machine?

8 A. Yes, I have.

9 Q. Who did you tell that to?

10 A. Ms. Lasher.

11 Q. And what did she say?

12 A. She said it was too expensive.

13 Q. Do you know of your own knowledge whether she passed that  
14 on to Mr. Riccio?

15 A. Not that I know, sir.

16 Q. Pardon?

17 A. No, sir.

18 Q. You don't know that?

19 A. I don't know.

20 Q. You mentioned earlier today that you used a scale from time  
21 to time, a weight scale?

22 A. That's correct. That was not my idea.

23 Q. Whose idea was that?

24 A. Ms. Lasher's.

25 Q. To your knowledge, is a weight scale accurate?

F58sLAS4

Goloff - cross

1 A. No.

2 Q. How inaccurate is it?

3 A. Well --

4 Q. Plus or minus?

5 A. Yeah, could be plus or minus.

6 Q. Have you ever used a weight scale at your other pharmacies?

7 A. Not for counting pills, only for measuring medications in  
8 the compound.

9 Q. Is this weight scale a small scale or a large scale.

10 A. Depends on the size. It could be.

11 Q. Excuse me. How many scales were there at Hellertown?

12 A. You had -- each pharmacy had to have a regular balance.

13 This scale we were talking about she bought for each store  
14 after the inspection occurred, so there was two, one for each  
15 store.

16 Q. Do you know if you take a vial of 90 Fioricet --

17 A. Um-hmm.

18 Q. -- and you count it out, and you know that there is exactly  
19 90 in there, do you know the difference in weight if you put  
20 one less pill in?

21 A. Maybe. It could.

22 Q. Pardon?

23 A. If I put one less pill, the weight would change.

24 Q. Right?

25 A. Yes.

F58sLAS4

Goloff - cross

1 Q. Would it be enough to notice?

2 A. Sure.

3 Q. If you add one, would it be enough to notice?

4 A. Yeah, the numbers will change. But you have to consider  
5 the weight of the vial. The weight of the vial is not  
6 universal.

7 Q. No, but if you do a standard --

8 A. Right.

9 Q. -- you can weigh pills this way?

10 A. Yeah, but it is not totally accurate.

11 Q. And pill counting is better?

12 A. That's correct.

13 Q. And you had pill-counting machines at places like CVS or  
14 Rite Aid?

15 A. Yes. Yes, correct. Yes.

16 Q. You testified on direct examination that you tried to reach  
17 Ms. Lasher while the inspection was going on?

18 A. That is correct.

19 MR. RICHENTHAL: That mischaracterizes the testimony.

20 BY MR. FREEMAN:

21 Q. You reached her? Did you call out to her?

22 A. I called on the phone, yeah.

23 Q. Several times, right?

24 A. I'm not sure how -- that might have been inaccurate.

25 Q. But you did try to reach her?

F58sLAS4

Goloff - cross

1 A. Yes.

2 MR. RICHENTHAL: Objection. He reached her. He is  
3 mischaracterizing the testimony.

4 MR. FREEMAN: I'll do that next.

5 BY MR. FREEMAN:

6 Q. You tried to reach her, right?

7 A. Yes.

8 Q. And then you reached her?

9 A. Yes.

10 Q. Okay. Now, who called you back?

11 A. She did.

12 Q. Did somebody else call you?

13 A. Peter Riccio, too.

14 Q. Did you call Peter Riccio?

15 A. No.

16 Q. But he called you?

17 A. Yes, sir.

18 Q. He gave you instructions?

19 A. He just asked me questions, what they're looking for and  
20 why are they still there, and that's about it. He was kind of  
21 upset they were there the first time.

22 Q. Did Lena Lasher tell you that filling prescriptions on the  
23 Internet was legit? Do you remember her saying that?

24 MR. RICHENTHAL: Objection.

25 BY MR. FREEMAN:

F58sLAS4

Goloff - cross

1 Q. You don't remember that?

2 A. No.

3 Q. I would like to show you Goloff 3506-6, page eight.

4 MR. RICHENTHAL: I think Mr. Goloff testified that  
5 didn't happen, not that he doesn't remember.

6 A. I don't know what it looked like. I didn't see.

7 MR. RICHENTHAL: Hold on. There are rules.

8 Your Honor, I don't think Mr. Goloff has testified he  
9 forgot something. I think Mr. Goloff has testified that didn't  
10 occur.

11 Mr. Goloff, you have to answer orally in court.

12 THE WITNESS: That didn't occur about the legality --

13 MR. FREEMAN: No, I didn't say that.

14 MR. RICHENTHAL: Your Honor, on that basis, we object  
15 on him being shown that document.

16 MR. FREEMAN: Let me reask the question.

17 BY MR. FREEMAN:

18 Q. Did Lena Lasher tell you that filling Internet drug orders  
19 at Hellertown Pharmacy was legit, l-e-g-i-t?

20 A. I don't recall.

21 MR. RICHENTHAL: Objection.

22 MR. FREEMAN: He said he didn't recall.

23 MR. RICHENTHAL: Second objection, hearsay.

24 MR. FREEMAN: It's not hearsay.

25 MR. RICHENTHAL: Your Honor, he also said he doesn't

F58sLAS4

Goloff - cross

1 recall it happening, which is not the same thing. In any  
2 event, we have a hearsay objection.

3 THE COURT: You have given two answers.

4 THE WITNESS: Um-hmm.

5 THE COURT: One that this didn't happen, and two, that  
6 you don't recall. Which is it?

7 THE WITNESS: I don't recall.

8 THE COURT: Okay.

9 BY MR. FREEMAN:

10 Q. Mr. Goloff, I'm going to hand you 6506 and ask you to look  
11 the just this paragraph, number 32. Read it to yourself.  
12 Don't read it out loud.

13 Now, I would like to ask you if reading that paragraph  
14 refreshes your recollection that you said --

15 THE COURT: No.

16 BY MR. FREEMAN:

17 Q. -- Hellertown Pharmacy --

18 MR. RICHENTHAL: No, your Honor. That is completely  
19 improper.

20 THE COURT: No. That is not the proper question.

21 MR. RICHENTHAL: Correct.

22 BY MR. FREEMAN:

23 Q. Does it refresh your recollection?

24 MR. RICHENTHAL: That's not the problem with the  
25 question.

F58sLAS4

Goloff - cross

1 THE COURT: That's not the proper question either.

2 BY MR. FREEMAN:

3 Q. Sir, do you recall making that statement?

4 A. No.

5 Q. You met with the government and agents on several  
6 occasions, right?

7 A. That is correct.

8 Q. In fact, you met with agents shortly after the date that  
9 Lena Lasher was arrested?

10 A. That is correct.

11 Q. Approximately how many times have you met with agents and  
12 prosecutors?

13 A. Six times, approximately.

14 Q. During those times that you met, were people taking notes?

15 A. Yes.

16 Q. Did it appear to you that they were attempting to take  
17 notes accurately of what you were saying?

18 MR. RICHENTHAL: Objection.

19 THE COURT: How do you tell someone is taking notes  
20 accurately?

21 BY MR. FREEMAN:

22 Q. Were they taking notes contemporaneous with your talk?

23 A. They were taking notes when I was talking. I remember  
24 seeing that visually. I don't know what they wrote.

25 Q. I didn't ask you that.



F58sLAS4

Goloff - cross

1 A. I know that.

2 Q. Over the six times that you have met with agents,  
3 approximately how long did you spend with government  
4 representatives each time?

5 A. Approximately four hours.

6 Q. So that would be 24 hours, correct?

7 A. That's correct.

8 Q. You went over what you were going to say, correct?

9 A. We went over what I know and what was accurate, not what I  
10 was going to say.

11 Q. And what you were going to say?

12 MR. RICHENTHAL: Objection. He already answered "no"  
13 to that.

14 THE COURT: That's a no.

15 THE WITNESS: Yeah.

16 BY MR. FREEMAN:

17 Q. Mr. Goloff, did you know about a procedure at Hellertown  
18 where certain drugs were sent to certain states and certain  
19 drugs were not sent to certain states?

20 A. I'm aware of the procedure. I wasn't involved in doing  
21 that.

22 Q. You weren't?

23 A. No. The technicians were more responsible to check the  
24 states.

25 Q. Was that called a no-ship list?

F58sLAS4

Goloff - cross

1 A. That is correct, sir.

2 Q. Did you research any state laws?

3 A. Pertaining to what?

4 Q. To which states could be shipped to and which states could  
5 not?

6 A. Yes, I have. Under --

7 THE COURT: In connection with your work at  
8 Hellertown?

9 THE WITNESS: Yes. Yes, of course. Yes, that is  
10 accurate.

11 BY MR. FREEMAN:

12 Q. Did you find that certain states prohibited shipments,  
13 online shipments, to those states?

14 A. Yes.

15 Q. And you found that some states permitted it?

16 MR. RICHENTHAL: Objection, hearsay.

17 MR. FREEMAN: I'll rephrase it.

18 Q. Did you do the research?

19 A. I did some of the research. I wasn't the only one doing  
20 the research.

21 Q. Other people did the research?

22 A. Yeah. She had other technicians do it, too.

23 Q. And other pharmacists?

24 A. Correct.

25 Q. Was Michael Della-Ventura involved in that process?

F58sLAS4

Goloff - cross

1 A. I have no clue.

2 Q. But you were?

3 A. I was at the Hellertown level.

4 Q. Did you help put together a booklet? Where did you keep  
5 your results?

6 A. I just left the information printed out on the Internet,  
7 left it on Lena's desk. After that, I don't know what happened  
8 to it.

9 Q. Did there come a time when you noticed a list on the wall  
10 of ship and no-ship states?

11 A. Correct.

12 Q. Did you yourself use that as a guide?

13 A. Yes, sir.

14 Q. To what extent were you involved in shipping? Other than  
15 being the pharmacist on duty, what did you do? Did you pack  
16 any of the envelopes?

17 A. I did pack some of them, of course, because we were getting  
18 behind and I put together some of the envelopes.

19 Q. Did a pharmacist have to check the medication before it  
20 went into an envelope?

21 A. No.

22 Q. That didn't --

23 A. Only certain drugs, certain times that happened.

24 Q. Was it a directive that a pharmacist would have to check  
25 the tote before the tote went -- the individual vials in the

F58sLAS4

Goloff - cross

1       totes went to --

2       A.   Well, if I have time.   Can I clarify my procedure of doing  
3       the Internet checking?

4       Q.   Yes.   Let me ask that in a second.

5       A.   Okay.

6       Q.   To your knowledge, it was not a pharmacist's responsibility  
7       to check the medication?

8               MR. RICHENTHAL:   Objection, vague.   Does he mean at  
9       Hellertown?

10              THE COURT:   Yes.

11       BY MR. FREEMAN:

12       Q.   At Hellertown --

13       A.   I would check --

14              THE COURT:   The issue isn't which state.

15              MR. FREEMAN:   Exactly.   I will clarify.

16       A.   You're confusing yourself, I think.

17       Q.   You can help me.   I wasn't there.

18       A.   You're asking me about the state or about any state?   See,  
19       that's the difference.

20       Q.   No, I'm asking about --

21              THE COURT:   Just let him just ask the questions, okay?

22              THE WITNESS:   Okay.

23       BY MR. FREEMAN:

24       Q.   I'm asking about, you indicated a little while ago that you  
25       checked the tote?

F58sLAS4

Goloff - cross

1 A. Right.

2 Q. Is it the pharmacist's responsibility to check the tote?

3 MR. RICHENTHAL: Objection.

4 Q. At Hellertown?

5 MR. RICHENTHAL: When?

6 Q. Before the medication leaves Hellertown Pharmacy?

7 MR. RICHENTHAL: At any time before? It's just vague.

8 Q. At any time before it leaves, it gets packed up. Does the  
9 pharmacist have to check the medication to make sure it's  
10 secure, to make sure it's the right medication?

11 MR. RICHENTHAL: In which vial? At what point in the  
12 process?

13 THE WITNESS: That's right.

14 MR. RICHENTHAL: That question should not be answered.

15 THE COURT: No.

16 BY MR. FREEMAN:

17 Q. At any time before it leaves?

18 MR. RICHENTHAL: Objection.

19 MR. FREEMAN: Let me do it this way.

20 Q. You said that the tote is filled?

21 A. Correct.

22 Q. Who fills it?

23 A. The technicians.

24 Q. At some point the medication leaves the pharmacy?

25 A. Right.

F58sLAS4

Goloff - cross

1 Q. Via some shipping company or postal service?

2 A. Correct, sir.

3 Q. Okay. Between the time the tote is filled and the  
4 medication leaves the pharmacy, does the pharmacist have to  
5 inspect the medication?

6 MR. RICHENTHAL: Objection. In what vial and in what  
7 form? When?

8 THE COURT: Sustained.

9 THE WITNESS: Don't --

10 THE COURT: Sir.

11 THE WITNESS: I'm not going to say --

12 THE COURT: When I say "sustained," you don't speak.  
13 It's just the rules.

14 BY MR. FREEMAN:

15 Q. Fioricet, 90s, tote is filled. The techs have completely  
16 filled a tote. The tote is ready for shipment?

17 THE COURT: The tote doesn't get shipped.

18 MR. FREEMAN: I know that.

19 Q. The tote is ready for shipment. At some point, the  
20 medication has to leave the tote and be put in an envelope with  
21 other paperwork, am I correct?

22 A. That is correct.

23 Q. Okay. Let me break it down even further. Who takes the  
24 individual vials from the tote and puts it into the envelope?

25 A. The technicians.

F58sLAS4

Goloff - cross

1 Q. You testified earlier that the pharmacist checks to make  
2 sure the medicine that's supposed to be in the vials is, in  
3 fact, in the vials?

4 A. That's right.

5 Q. The pharmacist has to do that?

6 A. Has to check what's being prepared in the vials?

7 Q. Right.

8 A. Not in the envelope.

9 Q. I didn't say that.

10 A. Okay. Yeah.

11 Q. And they do that, the pharmacist does that --

12 MR. RICHENTHAL: Objection.

13 Q. -- before --

14 MR. RICHENTHAL: He can testify to what he did.

15 Q. -- before it leaves the tote, before it goes to the  
16 envelope?

17 MR. RICHENTHAL: Objection.

18 A. Can you say that again?

19 Q. Did you ever do that?

20 A. I don't know.

21 MR. RICHENTHAL: Your Honor, there is an objection.

22 THE WITNESS: There's too many people --

23 THE COURT: Hold on.

24 MR. FREEMAN: Judge, the interruptions are not  
25 helping.

F58sLAS4

Goloff - cross

1 THE COURT: No, they're not. Nothing is helping.

2 MR. FREEMAN: I'll continue and I will --

3 THE COURT: After a tech filled a tote to the top with  
4 a certain drug, did you have any role in ensuring that the drug  
5 in the tote was the same as the label on the outside of the  
6 tote?

7 THE WITNESS: Yes. Yes, ma'am.

8 THE COURT: There you go.

9 BY MR. FREEMAN:

10 Q. What was that role?

11 A. It was to check.

12 Q. Okay. When did you check?

13 A. After the tote was completely filled, before the package  
14 was sent out -- this is a preliminary thing before a package  
15 was sent out.

16 Q. Using the judge's question, you needed to make sure that  
17 the medication that was in the tote -- we're using Fioricet 90s  
18 as an example -- matched what was going into the envelope?

19 A. Yes. No, no, no, no.

20 MR. RICHENTHAL: Objection, mischaracterizes the  
21 testimony.

22 THE COURT: Absolutely. Sustained.

23 BY MR. FREEMAN:

24 Q. Did you need to make sure that the prescription Fioricet 90  
25 was going into the right tote?



F58sLAS4

Goloff - cross

1 MR. RICHENTHAL: Objection to that question.

2 MR. FREEMAN: Do you understand?

3 A. If you let me explain my procedure and how it went, I think  
4 you have got it all reversed. It would clear everything up.

5 MR. FREEMAN: Let me ask the questions.

6 THE COURT: He still has to ask the questions.

7 THE WITNESS: All right.

8 BY MR. FREEMAN:

9 Q. You check to make sure that the medication in this tote,  
10 Fioricet 90s, was going into an envelope that was properly  
11 marked?

12 MR. RICHENTHAL: Objection.

13 THE COURT: Sustained.

14 BY MR. FREEMAN:

15 Q. So your answer is no?

16 MR. RICHENTHAL: Your Honor, Mr. Freeman is  
17 characterizing an answer that wasn't even given to a question,  
18 the objection to which was sustained. His statement should be  
19 stricken from the record.

20 BY MR. FREEMAN:

21 Q. What was wrong with my question?

22 A. The question is --

23 THE COURT: No. Sustained.

24 MR. RICHENTHAL: Objection.

25 THE WITNESS: I answered it.

F58sLAS4

Goloff - cross

1 THE COURT: No.

2 BY MR. FREEMAN:

3 Q. Sir, how about let's do it this way. What was the  
4 procedure after the pharmacist, you, checked the tote?

5 A. It was to put the lid on top of it.

6 Q. Did the tote get moved?

7 A. No. It stayed -- it was in -- it was in an area of all the  
8 90 count Fioricets. We had an area, it had different shelves  
9 with different types of the medication and the quantity of the  
10 pills that were in there.

11 Q. How did the techs know that the tote had been inspected?

12 MR. RICHENTHAL: Objection to what other people may  
13 have known or may not have known.

14 THE COURT: Was there a way?

15 BY MR. FREEMAN:

16 Q. Was there a way?

17 A. That piece of paper that was in it.

18 Q. So that was sort of the stamp of approval?

19 A. That is correct, sir.

20 Q. Now, did the pharmacist, you in particular, look at the  
21 tote or the medication again?

22 A. Yes.

23 Q. When?

24 A. After the technicians prepared the whole tote.

25 THE COURT: That's going back in time. After you had

F58sLAS4

Goloff - cross

1 have done that already and you put the lid on it --

2 THE WITNESS: Yeah.

3 THE COURT: -- did you then inspect the tote again?

4 THE WITNESS: No.

5 BY MR. FREEMAN:

6 Q. Did you learn that medication, occasionally the wrong  
7 medication, was in an envelope?

8 A. Yes.

9 Q. Did you testify earlier that you learned that by people  
10 calling?

11 A. Correct.

12 Q. When you were working at Hellertown, was that your  
13 responsibility, to make sure the right medication went into the  
14 right envelope as a supervisor? I'm over here, okay? Did that  
15 happen?

16 MR. RICHENTHAL: Your Honor, I'm not sure why  
17 Mr. Freeman made that comment. He should just ask questions.  
18 That's what I did.

19 THE COURT: You are both next to each other. That's  
20 your problem.

21 MR. FREEMAN: I'm not going to --

22 MR. RICHENTHAL: If Mr. Freeman would like me to move,  
23 I would be happy to move.

24 THE COURT: We're almost finished. Let's finish it.

25 BY MR. FREEMAN:

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Goloff - cross

1 Q. Do you understand my question?

2 A. No. Can you repeat that, please?

3 Q. Okay. The way that you learned that the wrong medication  
4 was in a particular envelope was calls that you received at the  
5 pharmacy?

6 A. That is correct.

7 Q. Was it your responsibility, when you were the pharmacist at  
8 Hellertown and you were there and you were the only pharmacist,  
9 was it your responsibility to make sure that the medication  
10 went into the right envelope?

11 A. Yes.

12 Q. What did you do to ensure that that happened, that the  
13 right medication went into the right envelope?

14 A. Say that again?

15 Q. What did you do to ensure that Fioricet went into an  
16 envelope marked Fioricet?

17 A. The way the procedure went, we couldn't really make the  
18 final decision because the techs put the pills in the tote.

19 Q. That's not the question.

20 THE COURT: Before.

21 Q. The question is, what did you do to ensure that the  
22 medication --

23 A. Nothing, right.

24 Q. Now, you testified on direct examination that Lena Lasher  
25 watched through a camera, correct?

F58sLAS4

Goloff - cross

1 A. That's correct.

2 Q. Did Riccio look at the camera?

3 A. Yes.

4 Q. And did he call in with instructions?

5 A. Yes. Not to me itself, but through other people, as I was  
6 told.

7 Q. To other employees?

8 A. Say that again? I'm sorry.

9 Q. You mean to others --

10 A. Yes.

11 Q. -- working at Hellertown?

12 A. That is correct.

13 Q. And Riccio, Carl Riccio, would be sent to the pharmacies,  
14 correct?

15 A. Yes.

16 MR. RICHENTHAL: Objection. How could he possibly  
17 know Carl Riccio was sent to the pharmacies?

18 THE WITNESS: That's right.

19 MR. FREEMAN: I'm just using his words.

20 MR. RICHENTHAL: Objection.

21 BY MR. FREEMAN:

22 Q. Did you see Carl Riccio at the pharmacies?

23 A. Yes. That's the correct answer, sir.

24 Q. You testified that you spoke to Lena Lasher after she was  
25 arrested?

F58sLAS4

Goloff - cross

1 A. Yes, I have.

2 Q. Did she express to you that she was sad about what  
3 happened?

4 MR. RICHENTHAL: Objection, hearsay and relevance.

5 THE COURT: Sustained.

6 Q. Did she express remorse to you?

7 MR. RICHENTHAL: Objection, hearsay, relevance, and  
8 Rule 403.

9 THE COURT: Sustained.

10 BY MR. FREEMAN:

11 Q. Now, certain people came to Hellertown to get oxycodone?

12 A. Yes.

13 Q. You saw these people?

14 A. Yes, I have.

15 Q. You said that there was ten of them in one car?

16 A. That is correct.

17 Q. That must have been a pretty big car?

18 A. I didn't look at the cars outside in the parking lot.

19 Q. Is this something that bothered you?

20 A. Yes.

21 Q. Did you express your concern?

22 A. Yes, I have.

23 Q. Did you express it to Lena Lasher?

24 A. Yes, I have.

25 Q. Did you express it to Peter Riccio, the owner?

F58sLAS4

Goloff - cross

1 A. He didn't know about it, no.

2 Q. How could you know that?

3 A. Because I didn't tell him.

4 Q. That's a little bit different.

5 A. I never spoke to Peter about it.

6 Q. Now, you understood that Peter Riccio was the owner?

7 A. Yes, I have.

8 Q. You understood that Lena was the pharmacist in charge?

9 A. Correct.

10 Q. You didn't feel strongly enough to call Peter Riccio?

11 A. No.

12 Q. Did you ever call any of the patients that were on the  
13 questionnaires?

14 A. No.

15 Q. Did you ever call any of the doctors that were on the  
16 questionnaires?

17 A. Just that one time I spoke earlier about the license,  
18 that's it.

19 Q. Who told you to do that?

20 A. Well, Lena, Mrs. Lasher.

21 Q. Did you understand that there was a black list at  
22 Hellertown?

23 A. Yes.

24 Q. How was that created?

25 A. I wasn't involved creating that at all.

F58sLAS4

Goloff - cross

1 Q. Do you understand what it was?

2 A. Yes, sir.

3 Q. What is it?

4 A. It was -- it was that people were getting the Internet  
5 scripts too frequently, ordering too frequently. They were  
6 receiving them, they would be ordering too frequently.

7 Q. How long was that list?

8 A. I mean, long like how many people were on it?

9 Q. Yes.

10 A. Maybe 20, 25. I'm not sure an exact number. It varied.  
11 Some of them was longer and some were taken off.

12 Q. Did you check it?

13 A. When I was -- well, we had a couple checks to check. The  
14 technicians will check it when they were processing the labels.

15 Q. I'm asking -- I'm sorry.

16 A. I did check the list when I was checking the scripts that  
17 was done.

18 Q. Did you use it?

19 A. Yes, I did.

20 Q. And did you find people on that list that caused you to not  
21 fill the prescriptions?

22 A. Yes.

23 Q. So it worked?

24 A. Yes, it had worked.

25 Q. You testified that you have a nonprosecution agreement?



F58sLAS4

Goloff - cross

1 A. That is correct, sir.

2 Q. Do you have a lawyer?

3 A. Yes, I do.

4 Q. Did that lawyer help you negotiate the nonprosecution  
5 agreement?

6 A. Yes.

7 Q. Is his name Bennett Epstein?

8 A. That's correct.

9 Q. You said that if you tell the truth, you remain  
10 nonprosecuted, correct?

11 A. That's right.

12 Q. Who determines if you tell the truth?

13 A. I don't know.

14 Q. You don't know?

15 A. No. The government does, but I don't know who from the  
16 government does. That's for the government to decide.

17 Q. Have you been in touch with Dan Geiger?

18 A. Yes.

19 THE COURT: In what time frame, please?

20 THE WITNESS: A week or two ago.

21 BY MR. FREEMAN:

22 Q. Did Dan Geiger write a complaint, to your knowledge, about  
23 what was --

24 A. Yes.

25 Q. -- about the pharmacy?

F58sLAS4

Goloff - cross

1 A. Yes, sir.

2 Q. Did he enlist you to help him?

3 MR. RICHENTHAL: Objection to "enlist."

4 Q. Did he ask you to be a witness?

5 A. Yes.

6 Q. With respect to the tincture, the opium tincture  
7 medication, do you know who the first person was to fill that  
8 prescription?

9 A. To my knowledge, myself.

10 Q. Right. Did you --

11 MR. RICHENTHAL: Objection to Mr. Freeman's commentary  
12 that that answer was, quote, right.

13 THE COURT: Guys, please.

14 BY MR. FREEMAN:

15 Q. Did you fill 14 prescriptions?

16 A. I don't know the exact count, sir.

17 Q. Do you want to estimate?

18 A. Most likely. I filled most of them, yes, except for that  
19 one Dan filled. And she might have filled one, I'm not sure.  
20 Because I know I did most of it.

21 Q. Pardon me?

22 A. Most of it was under my name. We can see by the records.

23 Q. Did you fill oxycodone prescriptions?

24 A. Yes, sir.

25 Q. What's the difference between oxycodone and OxyContin?

F58sLAS4

Goloff - cross

1 A. OxyContin you said?

2 Q. I think it is c-o-n-t-i-n.

3 A. T-i-n is a long-acting of the oxycodone. Oxycodone, that's  
4 the brand name. It's -- oxycodone ER is a generic, which is a  
5 long-acting. The ones that we were dispensing were  
6 intermediary acting, like a short-term, like every four to six  
7 hours. In between dose is a long-acting.

8 Q. So you know your oxycodone?

9 A. Yes, I do, unfortunately.

10 Q. So we just established that you did fill prescriptions?

11 A. That is correct.

12 Q. Would it be fair to say that you filled hundreds of  
13 prescriptions?

14 A. Yes.

15 Q. A thousand?

16 A. No.

17 Q. Is that one of the things that you did for which you are  
18 receiving nonprosecution treatment?

19 A. Correct.

20 MR. FREEMAN: I have nothing further.

21 MR. RICHENTHAL: I'll be brief.

22 REDIRECT EXAMINATION

23 BY MR. RICHENTHAL:

24 Q. Mr. Goloff.

25 A. Yes.

F58sLAS4

Goloff - redirect

1 Q. You testified that the government determines the truth.  
2 Mr. Freeman asked you that question, do you recall that  
3 question?

4 A. The government says -- yeah, it determines the truth. Yes.

5 Q. Do you have any idea what the process is for that?

6 A. No, not at all, sir.

7 Q. Do you have any idea who makes that decision?

8 A. No, I have not been informed.

9 Q. Do you have any idea what checks that are in that decision?

10 A. No idea, sir.

11 Q. Do you have any idea what is looked at when that decision  
12 is made?

13 A. No.

14 Q. Did you tell the truth today, sir?

15 A. Yes, I did.

16 Q. Mr. Freeman asked you some questions about what he called  
17 research on the law?

18 A. Right.

19 Q. Are you a lawyer?

20 A. No.

21 Q. Did you research the law or print stuff out?

22 A. Just printing stuff out.

23 Q. Who asked you to print something out?

24 A. Ms. Lasher.

25 Q. Who did you give it to?

F58sLAS4

Goloff - redirect

1 A. Lena Lasher.

2 Q. Did you provide her advice?

3 A. No. I'm sorry, there was a cough there.

4 Q. Did you provide her advice about state law?

5 A. Did I give her advice? No.

6 Q. Did you ever give her advice?

7 A. No, no.

8 Q. Did you tell her how to run her pharmacy?

9 A. No.

10 Q. In response to one of Mr. Freeman's questions about the  
11 totes --

12 A. Right.

13 Q. -- you talked about a piece of paper inside. You said we  
14 had that because she wanted accountability. Do you remember  
15 seeing that?

16 A. I remember saying something similar, yeah. We wanted  
17 liability, who was responsible for the counting.

18 Q. Who was the "she," Mr. Goloff?

19 A. Ms. Lasher.

20 Q. Every policy I showed you, who told you about that policy,  
21 Mr. Goloff?

22 A. Ms. Lasher.

23 Q. Every policy I showed you, who enforced that policy?

24 A. Ms. Lasher.

25 Q. When your hours were cut, who cut them, Mr. Goloff?

F58sLAS4

Goloff - redirect

1 A. Ms. Lasher.

2 Q. When you did what Ms. Lasher told you to do, who did you  
3 fear would cut your hours?

4 A. Ms. Lasher.

5 Q. How long after you started at Hellertown Pharmacy did you  
6 start looking for another job?

7 A. Four months in.

8 Q. Did you keep looking for another job?

9 A. Yes, sir.

10 Q. Was it difficult to find a job?

11 A. Yes, it was at that time.

12 Q. Do you now have another job?

13 A. Yes, I do. Thank God.

14 MR. RICHENTHAL: No further questions.

15 THE WITNESS: Okay.

16 RECROSS EXAMINATION

17 BY MR. FREEMAN:

18 Q. You indicated earlier that you were a puppet; do you  
19 remember that?

20 A. That's correct.

21 Q. Lena Lasher was a puppet, too?

22 MR. RICHENTHAL: Objection.

23 THE COURT: Sustained. Strike that.

24 BY MR. FREEMAN:

25 Q. You don't know what Riccio said to Lasher, correct?

F58sLAS4

Goloff - recross

1 MR. RICHENTHAL: Objection, beyond the scope.

2 THE COURT: Sustained.

3 MR. FREEMAN: Nothing further.

4 MR. RICHENTHAL: Nothing further from the government,  
5 your Honor.

6 THE WITNESS: Thank you.

7 (Witness excused)

8 THE COURT: The government can call its next witness.

9 MS. GREENBERG: Your Honor, the government calls  
10 Dr. Yang.

11 IAN YANG,

12 called as a witness by the Government,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. GREENBERG:

16 Q. Good afternoon, Dr. Yang.

17 A. Hi.

18 Q. Dr. Yang, where do you currently work?

19 A. Actually, I'm doing private practice for the pain  
20 management in a private office.

21 Q. Have you ever prescribed oxycodone?

22 A. A long, long time ago, yes, I did, but not for, I think,  
23 the past five years. I don't think I prescribed it.

24 Q. Directing your attention to roughly 2011, 2012, did you  
25 receive a copy of an oxycodone prescription that bore your

F58sLAS4

Yang - direct

1 name?

2 A. Yes, I did. Actually, more than one copy. Whoever, you  
3 know, had the question for that, then they would call me and I  
4 would ask them for a copy.

5 Q. How did you receive the copy of the oxycodone prescription?

6 A. From fax.

7 Q. I would like to show you what's been marked as Government  
8 Exhibit 3025. Dr. Yang, if you could put away the papers that  
9 you have in your hand and just look at the exhibit, please.

10 A. Sure.

11 Q. Thank you.

12 A. Sorry, I need my glasses. Yeah, this is a copy I received  
13 in the past.

14 Q. Just looking at this exhibit, without reading it, did you  
15 issue this prescription?

16 A. No, I did not.

17 Q. Does this prescription bear your name?

18 A. Printed out, it bears my name.

19 Q. Is that your signature on this prescription?

20 A. No, it was not.

21 MS. GREENBERG: The government offers this exhibit  
22 into evidence.

23 MR. FREEMAN: Judge, we object.

24 MS. GREENBERG: Your Honor, I can offer this subject  
25 to connection.



F58sLAS4

Yang - direct

1 MR. FREEMAN: I'm still objecting. Improper  
2 foundation.

3 THE COURT: I think he can testify to this. It's  
4 received.

5 (Government's Exhibit 3025 received in evidence)

6 MS. GREENBERG: Ms. Chen, can you please publish the  
7 exhibit. It's not scanned.

8 BY MS. GREENBERG:

9 Q. Dr. Yang, do you see the prescription up on your screen?

10 A. Yes, I do.

11 Q. Do you see the area where the signature is? Is that your  
12 signature?

13 A. It is not.

14 Q. Looking over here where it says LIC on the top, what does  
15 LIC stand for?

16 A. That's the license, abbreviation for the license.

17 Q. Is that your license number?

18 A. It is.

19 Q. Looking at the next number underneath it, where it says  
20 NPI, what does NPI stand for?

21 A. That's the National Physician Identification number.

22 Q. Looking at that number, is that your number?

23 A. Yes, it is.

24 Q. Looking underneath it -- it is difficult to see on the  
25 screen, I think if you look at the hard copy in front of you --

F58sLAS4

Yang - direct

1 do you recognize the practitioner's DEA number?

2 A. Yes.

3 Q. Is that yours?

4 A. Yes, it is.

5 Q. Looking on the top, do you see the 718 phone number?

6 A. Right.

7 Q. Do you recognize that phone number?

8 A. No, I do not.

9 Q. Dr. Yang, did you ever verify to a pharmacist a  
10 prescription that you had written for oxycodone?

11 A. No.

12 Q. Lastly, do you recognize the phone number (347) 673-3926 as  
13 a previous cell phone of yours?

14 A. That's correct.

15 MS. GREENBERG: Government has no further questions.

16 MR. FREEMAN: Nothing.

17 THE COURT: Thank you very much. You win the prize of  
18 the shortest witness. That's a valuable prize.

19 THE WITNESS: Thank you.

20 (Witness excused)

21 MS. GREENBERG: The government calls as its next  
22 witness Sergeant Richard Pizzuti.

23 RICHARD PIZZUTI,

24 called as a witness by the Government,

25 having been duly sworn, testified as follows:

F58sLAS4

Yang - direct

1 DIRECT EXAMINATION

2 BY MS. GREENBERG:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. Where do you work?

6 A. I'm employed by Lyndhurst Police Department in New Jersey.

7 Q. What is your position?

8 A. I'm a sergeant with Lyndhurst.

9 Q. How long have you been a sergeant with the Lyndhurst, New  
10 Jersey police department?

11 A. I was promoted in October of this past year.

12 Q. What are your duties and responsibilities as a sergeant  
13 with the Lyndhurst, New Jersey police department?

14 A. I'm assigned to the DEA task force in Newark, New Jersey.

15 Q. Have you held any other positions with the Lyndhurst, New  
16 Jersey police department?

17 A. I was just a patrol officer prior to that.

18 Q. How long were you with the New Jersey police department in  
19 Lyndhurst?

20 A. 15 years, August of 1999.

21 Q. During what period were you a task force officer with the  
22 DEA?

23 A. I was assigned to the DEA in March of 2010.

24 Q. Before becoming a sergeant, did you participate in any  
25 training?

F58sLAS4

Pizzuti - direct

1 A. I have, yes.

2 Q. Did you receive any training in conducting searches and  
3 seizures?

4 A. Yes, I have.

5 Q. Have you received any training in conducting narcotics  
6 investigations?

7 A. Yes.

8 Q. Now, I want to direct your attention to November 29, 2012,  
9 at approximately 6:25 a.m. Were you working that day?

10 A. I was.

11 Q. What was your assignment?

12 A. I was assigned to assist the diversion group at 16 Patton  
13 Street in High Bridge with the execution of a search warrant  
14 and an arrest warrant.

15 Q. Who was the arrest warrant for?

16 A. It was for Lena Lasher.

17 Q. Now, you said 16 Patton Street, I believe?

18 A. Yes.

19 Q. Do you know whose residence that was?

20 A. Yes. It was Lena Lasher's residence. I believe she lived  
21 there with her husband and children.

22 Q. Upon arriving at Ms. Lasher's house, did you and other law  
23 enforcement officers enter the house?

24 A. We did.

25 Q. Did you participate in the search of her house?

F58sLAS4

Pizzuti - direct

1 A. I did.

2 Q. Did you search anything else that day?

3 A. I searched her vehicle.

4 Q. Can you describe her car?

5 A. It was a silver Toyota Highlander.

6 Q. Where was her car parked?

7 A. It was in her driveway.

8 Q. Can you describe what you observed inside Ms. Lasher's car?

9 A. The vehicle itself was unkept, there was paperwork strewn  
10 all over the compartment, the passenger compartment.

11 Q. I am going to be handing up to you a number of exhibits,  
12 starting with Government Exhibit 901, then 902, 903, and 904.

13 I would like you to start with what's been marked for  
14 identification as Government Exhibit 901.

15 What does this exhibit contain?

16 A. 901 is U.S. Postal Service C.O.D.s.

17 Q. What is a C.O.D.?

18 A. Cash on delivery. It indicates that there was product that  
19 was sent out.

20 Q. Where did you obtain these C.O.D. receipts?

21 A. These were located in the Toyota Highlander.

22 Q. Now, can you please read the date and the exhibit number on  
23 the evidence tag of this sealed exhibit?

24 A. The date is November 29, 2012, and that's Exhibit N-248.

25 Q. Is your name on this evidence tag?

F58sLAS4

Pizzuti - direct

1 A. It is.

2 Q. Did you initial next to your name?

3 A. I did.

4 Q. What, if anything, does that indicate to you about where  
5 you obtained these C.O.D. receipts?

6 A. I was assigned to the vehicle and this evidence was removed  
7 from the vehicle.

8 Q. Did you compare the exhibit number on that evidence tag  
9 against reports from the DEA that indicated that that exhibit  
10 number came from the car?

11 A. Yes, I have.

12 MS. GREENBERG: The government offers Government  
13 Exhibit 901.

14 MR. FREEMAN: No objection.

15 THE COURT: Received.

16 (Government's Exhibit 901 received in evidence)

17 MS. GREENBERG: Your Honor, if I may, I would like to  
18 read a part of a stipulation. It's Government Exhibit 6004.  
19 This is stipulated to by the government and Ms. Lasher through  
20 her attorney.

21 If called to testify, representatives from the Drug  
22 Enforcement Administration, DEA, and the United States  
23 Attorney's office would testify it that Government Exhibits 902  
24 through 904 are subsets of material originally marked as DEA  
25 Exhibit Number N-249.

F58sLAS4

Pizzuti - direct

1 BY MS. GREENBERG:

2 Q. I would like to start with what's been marked for  
3 identification as Government Exhibit 902.

4 A. Okay.

5 Q. Now, looking at this exhibit, what does it contain?

6 A. 902 contains what appears to be scheduling miscellaneous  
7 paperwork.

8 Q. Again, where did you obtain the schedules?

9 A. This was obtained from the Toyota Highlander.

10 Q. How do you know that?

11 A. Because after reviewing the report, Exhibit N-249 was  
12 listed on a DEA report as being taken from the Toyota  
13 Highlander.

14 MS. GREENBERG: The government offers Government  
15 Exhibit 902.

16 MR. FREEMAN: No objection.

17 THE COURT: Received.

18 (Government's Exhibit 902 received in evidence)

19 BY MS. GREENBERG:

20 Q. I would like to show you what's been marked for  
21 identification as Government Exhibit 903. What does this  
22 exhibit contain?

23 A. Exhibit 903 is listed as payroll. It looks like some names  
24 on it, Stephen James, some names of that sort.

25 Q. Where did you obtain these payroll schedules?

F58sLAS4

Pizzuti - direct

1 A. This was also taken from the Toyota Highlander.

2 Q. How do you know that?

3 A. Because this is an exhibit out of Exhibit N-249, which  
4 after the review of the report, I know this was taken out of  
5 the Highlander.

6 MS. GREENBERG: The government offers Government  
7 Exhibit 903.

8 MR. FREEMAN: No objection.

9 THE COURT: Received.

10 (Government's Exhibit 903 received in evidence)

11 BY MS. GREENBERG:

12 Q. Lastly, I would like to show you what has been marked for  
13 identification as Government Exhibit 904. What does this  
14 exhibit contain?

15 A. This exhibit -- this exhibit appears to be legal  
16 information from West Virginia.

17 Q. Can you take it out? Where did you obtain these written  
18 materials?

19 A. Again, this was removed from the Toyota Highlander, which  
20 is referenced in the DEA report 6.

21 MS. GREENBERG: The government offers Government  
22 Exhibit 904.

23 MR. FREEMAN: No objection.

24 THE COURT: Received.

25 (Government's Exhibit 904 received in evidence)



F58sLAS4

Pizzuti - direct

1 BY MS. GREENBERG:

2 Q. Now, if you could turn to the second to last page of this  
3 exhibit. What is the title of this document?

4 A. This is from the West Virginia Board of Pharmacy.

5 Q. Can you turn to the last page of the document. Do you see  
6 where it says Internet pharmacies legitimate practitioner  
7 patient relationship required. Do you see that?

8 A. I see that, yes.

9 Q. Is there anything in handwriting next to that?

10 A. Above that is a star.

11 Q. If you could look to the bottom of that section underneath  
12 West Virginia Board of Pharmacy. Do you see the name Carmen A.  
13 Catizone listed?

14 A. I do, Carmen A. Catizone.

15 MS. GREENBERG: The government has no further  
16 questions.

17 May we publish these exhibits to the jury, as they are  
18 not scanned?

19 THE COURT: Sure.

20 MR. FREEMAN: If you're waiting for me, I thought you  
21 were leaving time for the jury. I have no questions.

22 THE COURT: You can excuse the witness then. Thank  
23 you very much.

24 THE WITNESS: Thank you.

25 (Witness excused)

F58sLAS4

Pizzuti - direct

1 MR. RICHENTHAL: Your Honor, would you like us to call  
2 our next witness? The government calls Thomas Bat.

3 THE COURT: Go ahead.

4 THOMAS BAT,

5 called as a witness by the Government,

6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. RICHENTHAL:

9 Q. Good afternoon.

10 A. Good afternoon.

11 Q. Where are you from?

12 A. Wilkes-Barre, Pennsylvania.

13 Q. What is your educational background?

14 A. I have a BA degree in criminal justice from Kings College.

15 Q. Where did you work after getting your degree?

16 A. First, I worked as a correctional officer at CSI Dallas in  
17 Pennsylvania, and then I transferred to another job, another  
18 state job.

19 Q. What was the state job in which you transferred to?

20 A. An investigator for the Department of State.

21 Q. What, in short, is the Department of State?

22 A. The Department of State is a conduct-level agency in  
23 Pennsylvania. And what we do is license professionals,  
24 27 professional licensing boards.

25 Q. For how long did you work for the Department of State?

F58sLAS4

Bat - direct

1 A. 27 years.

2 Q. Did you have a title or titles while you were there?

3 A. Professional conduct investigator.

4 Q. Did you have a title for a period of time prior to that?

5 A. Yes. When I first joined, I was an inspector called a  
6 regulatory inspector, which was for about a year.

7 Q. What kinds of businesses did you either investigate or  
8 inspect?

9 A. We had 27 licensing boards which include doctors, dentists,  
10 veterinarians, pharmacies, engineers, architects, nurses, quite  
11 a range of professions.

12 Q. Did you receive any kind of training in connection with  
13 either serving as an inspector or investigator?

14 A. Most of the training was on the job. We did have some  
15 specialized training to clear in confidence.

16 Q. Are you still an investigator?

17 A. No, sir. I retired in May 2014.

18 Q. During the course of your career, approximately how many  
19 pharmacies did you either inspect or investigate?

20 A. It's hard to gauge because it wasn't on a regular basis.  
21 You might do two pharmacies one month, and then maybe not do  
22 any pharmacies for six months in a row.

23 MR. RICHENTHAL: Can I have just one moment, your  
24 Honor?

25 THE COURT: Yes.

F58sLAS4

Bat - direct

1 MR. RICHENTHAL: May I proceed, your Honor?

2 THE COURT: Yes.

3 BY MR. RICHENTHAL:

4 Q. Directing your attention to 2012, did there come a time  
5 when a complaint was filed with respect to Hellertown Pharmacy  
6 and Palmer Pharmacy & Much More?

7 A. That is correct.

8 Q. Approximately when was it filed?

9 A. February of 2012.

10 Q. By whom was it filed?

11 A. A former employee named Dan Geiger.

12 Q. Without getting into details, what was the nature of the  
13 allegations in the complaint? What was the subject matter?

14 A. He made several complaints, some being just facility  
15 requirements of the pharmacy, and some were very serious  
16 charges against what the pharmacist --

17 MR. FREEMAN: Objection. Objection to "serious."

18 BY MR. RICHENTHAL:

19 Q. No need to characterize serious or not, what were the  
20 subject matters? What types of things?

21 A. One of the complaints was they were restocking medication.

22 Q. Was an investigation commenced?

23 A. Yes.

24 Q. Were you assigned to lead that investigation?

25 A. Yes, I was.

F58sLAS4

Bat - direct

1 Q. What were some of the initial steps taken in the  
2 investigation?

3 A. The first thing we do is to check prior licensure, see what  
4 the licensees were like, the pharmacy and the pharmacist, do a  
5 little background check. The second stage would be to go talk  
6 to the complainant.

7 Q. Did you do that?

8 A. Yes, I did.

9 Q. Did you also speak with others?

10 A. Yes. The complainant supplied witnesses' names.

11 Q. Did there come a time when you visited one or both  
12 pharmacies?

13 A. Yes.

14 Q. Approximately when was that?

15 A. September 18.

16 Q. Of what year?

17 A. 2012.

18 Q. Were these surprise inspections or informed in advance?

19 A. Surprise investigations.

20 Q. Who, if anyone, accompanied you to the inspection?

21 A. I brought with me a pharmacy inspector, Michael  
22 Fitzpatrick.

23 Q. Which of the two pharmacies did you visit first?

24 A. First was Hellertown.

25 Q. Approximately what time of day did you visit?

F58sLAS4

Bat - direct

1 A. It would be late morning.

2 Q. Was a pharmacist present?

3 A. Yes.

4 Q. Who?

5 A. Stephen Goloff.

6 Q. Did you speak with him?

7 A. Yes.

8 Q. Did he answer your questions?

9 A. Yes.

10 Q. What was his demeanor?

11 A. Very cooperative.

12 Q. Do you recall approximately how large the public area of  
13 the pharmacy was?

14 A. It was a very small pharmacy, what we call in the trade a  
15 mom-and-pop, compared to the larger pharmacies such as CVS and  
16 Walgreens.

17 Q. Did the pharmacy also contain back rooms, that is,  
18 nonpublic rooms?

19 A. Yes.

20 Q. Did you inspect those rooms?

21 A. Yes, that was part of the inspection.

22 Q. Were photographs taken of certain areas of the pharmacy?

23 A. Yes.

24 Q. Were you present when they were taken?

25 A. Yes, and some I directed to be taken.

F58sLAS4

Bat - direct

1 Q. If you could look at what is marked for identification --  
2 I'll walk up to you Government Exhibits 301 through 313. Take  
3 a moment and leaf through those. Let me know if you recognize  
4 them.

5 A. Yes, I do recognize them.

6 Q. What are those, Mr. Bat, without describing them? One by  
7 one, what's the set?

8 A. Excuse me, what?

9 Q. Without describing them one by one, what is the set of  
10 things just handed you? What are those?

11 A. Photographs.

12 Q. Photographs of what?

13 A. Of the pharmacy, different parts of this pharmacy that we  
14 were taking.

15 Q. Taken during the inspection?

16 A. Correct.

17 MR. RICHENTHAL: Government offers 301 through 313.

18 MR. FREEMAN: No objection.

19 THE COURT: Received.

20 (Government's Exhibits 301 through 313 received in  
21 evidence)

22 MR. RICHENTHAL: Ms. Chen, can you put 304 on the  
23 screen.

24 BY MR. RICHENTHAL:

25 Q. Mr. Bat, turn to 304, or as your screen warms up, you

F58sLAS4

Bat - direct

1 should see it in a moment.

2 A. 304?

3 Q. 304. It should also now be on the screen to your right.

4 A. Yes.

5 Q. Do you recognize these?

6 A. Yes. These are bins that we found in the back room.

7 Q. Do you recall what was in these bins?

8 A. Yes. Each one contained bottles of medication.

9 Q. Were the bottles individually labeled?

10 A. No.

11 MR. RICHENTHAL: Ms. Chen, can you now put up 310.

12 Q. Is that an example of the inside of one of the bins?

13 A. Yes. That's an interior photo.

14 MR. RICHENTHAL: Ms. Chen, can you put up 302.

15 Q. Mr. Bat, do you recognize these?

16 A. Yes. These were vials that we found in the dispensing area  
17 of the pharmacy.

18 Q. You say "the dispensing area." What was near these vials?

19 A. The medication, the vials, vials to be filled, the  
20 prescriptions, the drugs would be taken to be counted and  
21 measured.

22 MR. RICHENTHAL: May I have a moment, your Honor?

23 THE COURT: Yes.

24 BY MR. RICHENTHAL:

25 Q. Mr. Bat, I'm going to bring to you Government Exhibit 1001



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Bat - direct

1 in evidence. Do those appear similar?

2 A. Yes, they are.

3 Q. To the bottles that you saw?

4 A. That is correct.

5 MR. RICHENTHAL: Now, could we go back, Ms. Chen, to  
6 Government Exhibit 304.

7 Q. Mr. Bat, do you recall approximately how many bins like  
8 this were in Hellertown Pharmacy?

9 A. Over 100, I think 117 to be exact.

10 Q. At the end of the inspection, did Hellertown Pharmacy pass  
11 or fail the inspection?

12 A. It failed.

13 Q. Was that conveyed to anyone?

14 A. Oh, yes. The supervising pharmacist that day.

15 Q. Was the failure also thereafter transmitted to anyone  
16 electronically, for example, by e-mail?

17 A. Yes. The pharmacy inspectors, Mike would have sent it by  
18 e-mail.

19 Q. To whom?

20 A. To the supervising pharmacist.

21 Q. In that case, in this case, in this pharmacy who was that,  
22 do you recall?

23 A. Stephen Goloff.

24 Q. Would it also have been provided to the pharmacist in  
25 charge, that is the official licensee?

F58sLAS4

Bat - direct

1 A. Not necessarily. It would be up to Mike if he wants to  
2 send to both. Normally, the procedure is to give it to the  
3 supervising pharmacist.

4 Q. When you say "give," you mean physically?

5 A. No, sent electronically.

6 Q. I'm going to show you what has been marked for  
7 identification as Government Exhibit 4004. First, do you  
8 recognize the sender?

9 Let me back up. Is this an e-mail?

10 A. Yes.

11 Q. Do you recognize the sender?

12 A. Yes.

13 Q. Who is the sender?

14 A. Michael Fitzpatrick.

15 Q. Is that the individual that accompanied you?

16 A. Yes. This is the pharmacy inspector.

17 Q. Do you recognize the recipient?

18 A. Yes. It's to Lena Lasher.

19 Q. At a particular --

20 A. Yes, I'm sorry, at yahoo.com.

21 Q. Now, can you turn to the second page. Without reading what  
22 is on there, is that the indication that the pharmacy had  
23 failed?

24 A. Yes.

25 Q. What's the date of that e-mail?

F58sLAS4

Bat - direct

1 A. 9/18/2012.

2 Q. Is that the same day as the inspection?

3 A. That is correct.

4 Q. After you inspected Hellertown Pharmacy, where did you go?

5 A. We went to the Palmer Pharmacy.

6 Q. That's the other pharmacy that was the subject of the  
7 complaint?

8 A. That is correct.

9 Q. Did you perform an inspection there as well?

10 A. Yes, we did.

11 Q. Who, if anyone, accompanied you?

12 A. Michael Fitzpatrick.

13 Q. The same individual as the first pharmacy?

14 A. That's correct.

15 Q. Approximately what time of day did you arrive to the second  
16 pharmacy?

17 A. Early afternoon.

18 Q. Now, that second pharmacy, how did its public area, front  
19 area, compare to the first pharmacy?

20 A. It was a larger pharmacy.

21 Q. Did it also have back areas, that is, nonpublic areas?

22 A. That is correct.

23 Q. Did your inspection include those areas?

24 A. Yes.

25 Q. Were photographs taken of at least some of those areas?

F58sLAS4

Bat - direct

1 A. Yes.

2 Q. I'm going to walk up to you what's been marked in  
3 identification as Government Exhibits 401 through 407. Just  
4 take a moment and leaf through those, and let me know if you  
5 recognize them.

6 A. Yes, I recognize them.

7 Q. What are those, Mr. Bat?

8 A. These were photos that were taken at that time of the  
9 inspection.

10 MR. RICHENTHAL: Government offers 401 through 407.

11 MR. FREEMAN: No objection.

12 THE COURT: Received.

13 (Government's Exhibits 401 through 407 received in  
14 evidence)

15 MR. RICHENTHAL: Ms. Chen, can you put 402 and 403 on  
16 the screen.

17 BY MR. RICHENTHAL:

18 Q. Do you recognize these, Mr. Bat?

19 A. Yes.

20 Q. Do you recall what was in these, if you knew?

21 A. Yes. They were very similar to the one we found at  
22 Hellertown. They were bottles of medication.

23 Q. Were the bottles or vials individually labeled?

24 A. No.

25 Q. Approximately how many bins like this were in Palmer

F58sLAS4

Bat - direct

1 Pharmacy?

2 A. I believe the number was 28.

3 Q. The other one was more than 100?

4 A. 117.

5 MR. RICHENTHAL: Can you now turn to 401, Ms. Chen.

6 Q. Do you recall finding this, Mr. Bat?

7 A. Yes. That was in the Palmer Pharmacy, in the dispensing  
8 area. In fact, the photo actually shows it in the dispensing  
9 area.

10 Q. When you say the photo shows it, are you referring to the  
11 amber vials behind that is for measuring?

12 A. That is correct.

13 Q. The ones on the left are filled?

14 A. Yes.

15 Q. The ones on the right in the back are empty?

16 A. That is correct.

17 Q. At the end of the inspection, did Palmer Pharmacy pass or  
18 fail the inspection?

19 A. It failed.

20 Q. Was that conveyed to anyone?

21 A. Yes.

22 Q. How?

23 A. It would have been sent by Mike. He, first of all, had the  
24 pharmacist sign the inspection form and then sent as an e-mail.

25 Q. When you say the pharmacist signed, you mean the person on

F58sLAS4

Bat - direct

1 duty?

2 A. That's correct.

3 Q. This was a different pharmacist from the pharmacist at  
4 Hellertown?

5 A. Yes.

6 MR. RICHENTHAL: Your Honor, I think it's 2:15. I  
7 don't have a lot of time left with Mr. Bat, but it is Friday  
8 afternoon. I want to let the court know it's 2:15.

9 THE COURT: All right. Have a great weekend. It's  
10 supposed to be nice. Just remember the rules, don't talk about  
11 the case, keep an open mind. Thank you very much for your  
12 attention and enjoy the weekend. See you bright and early and  
13 fresh on Monday morning.

14 (Jury excused)

15 (Continued on next page)

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Bat - direct

1 (Jury not present)

2 THE COURT: On the charge, we would appreciate  
3 feedback. An e-mail to John is fine.

4 MR. RICHENTHAL: By a particular time over the  
5 weekend? I don't mean to suggest it would be midnight Sunday  
6 night if your Honor didn't answer the question. If Mr. Briggs  
7 has a certain time he intends to take a look.

8 THE COURT: You can send it by noon on Sunday and we  
9 can call it a Mother's Day present.

10 MR. RICHENTHAL: Will do.

11 MR. FREEMAN: Isn't that nice. Do you prefer it in  
12 Word?

13 THE COURT: I don't care.

14 MR. RICHENTHAL: Question of clarification. Maybe  
15 Mr. Freeman and I are anticipating different things. Does your  
16 Honor want us literally track changes?

17 THE COURT: No, I'm not asking that.

18 MR. RICHENTHAL: Substantive commentary? Both  
19 wording, so to speak, and substantive commentary, if any?

20 THE COURT: It would be most helpful, if you have an  
21 objection to something, to tell me what the alternative is. If  
22 it is an objection to take out something, I only need to have  
23 you express it in a way that I appreciate what you're asking  
24 for.

25 MR. RICHENTHAL: Understood. By commentary, I meant

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Bat - direct

1 exactly that, the objection here is the reason, or something  
2 like that.

3 THE COURT: If it's just grammar, typo, just let us  
4 know. We also have put some questions in you probably would  
5 want to respond.

6 MR. RICHENTHAL: Okay. Would it be possible for  
7 Mr. Briggs to e-mail us a copy in Word? That way we can,  
8 perhaps, copy and paste sentences, if that would assist us in  
9 sort of providing objections?

10 THE COURT: Whatever Mr. Briggs tells you to send.

11 MR. RICHENTHAL: Thank you. Nothing further from us,  
12 your Honor. Have a nice weekend to all.

13 (Adjourned to May 11, 2015, at 9:00 a.m.)  
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2011 . . . . .	718
1046 and 1047 . . . . .	773
1048 . . . . .	775
3004 . . . . .	781
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